### TO THE READER

KINDLY use this book very carefully. If the book is distigured or marked or written on while in your possession the book will have to be replaced by a new copy or paid for. In case the book be a volume of set of which single volumes are not available the price of the whole set will be realized.





1061

Class No.\_

Book No .\_

Acc, No.

# CONSTITUTIONAL HISTORY OF ENGLAND

1485-1931

BY

#### SHRIKRISHNA VENKATESH PUNTAMBEKAR,

M. A. (OXON.), Barrister-at-Law,

Professor of History and Politics, Head of the History Department,

Benares Hindu University, and Author of Civics and Politics,

Indian Citizenship and Civilisation, etc.

PART II

BENARES:
NAND KISHORE AND BROS.
1935.

100. No: 1061.

242.42 Conte 47 Conte 47

ace. 200:9119.

Printed by Pandit Bishambher Nath Bhargava, at the Standard Press, Allahabad.

GO Y



In this part of the Constitutional History of England from 1485 to 1931, I have dealt with the main features of the English constitution, as it exists to-day, in its various aspects. I have tried to elucidate its main characteristics during the various periods of its historical growth. The great constitutional historians and lawyers of England have made the task of writing this text-book easy. While I was studying at Oxford for the Honour School of Modern History, Lectures of professors Wakeling, Carlyle, Firth, Grant Robertson and others on the various aspects of the English Constitutional and Political History helped me in understanding its underlying forces and currents and the nature and scope of its constitutional and political struggles and experiments. In writing this part I have fully consulted old standard histories of Hallam, May and Maitland and modern historical monographs on various subjects of constitutional importance. I have also studied the constitutional documents published by Prothero, Tanner, Gardiner and Grant Robertson and the works of constitutional lawyers like Dicey, Anson and Keith. They have been a very valuable help and guide in understanding the perplexities and intricacies of the English constitution.

Hindu University, Benares, 1st September, 1934.

S. V. PUNTAMBEKAR.

## CONTENTS.

CHAPTER.	PAGES.	
X A. THE TUDOR PERIOD (1485-1558)  1. The New Monarchy and Breach with Rome		
X II. THE TUDOR PERIOD (1558-1603)  2. The Ecclesiastical Settler and the Royal Supremacy	33-82	
XIVII. THE STUART PERIOD (1603-1625)  1. The Royal Prerogative	83-119	16
XII IV. THE STUART PERIOD (1625-1649)  2. The Breach with Parlian and the Civil War	ment	ا 3 ہ
VIII V. THE STUART PERIOD (1649-166)  3. The Commonwealth and Protectorate		,
VI. THE STUART PERIOD (1660-1688)  4. The Restoration and the Filution	Revo- 173-212	39
VII. THE STUART PERIOD (1689-1714)  5. The Revolution Settlement (the Rise of Parties)	and	31
VIII. THE HANOVERIAN PERIOD (1714-17)  1. The Cabinet System and Party Government	1760)	6.
XVIIX. THE HANOVERIAN PERIOD (1760-1 2. The Patriot King and the I Minister	820) Prime 267-329	=-

CHAPT	ER. PAGES	3.
W1 X.	THE HANOVERIAN PERIOD (1820-1901).	
XVIII	3. The Rise of Democracy and the Extension of Political Representation and Civil Liberty 330-388	8
XI.	THE HANOVERIAN PERIOD (1901-1931).	
×	4. The Supremacy of the Commons and the Development of	
XX	Universal Suffrage and Dominion Status 389-464	1
2353	INDEX	

## CONSTITUTIONAL HISTORY OF ENGLAND.

#### CHAPTER I.

#### THE TUDOR PERIOD (1485-1558).

1. The New Monarchy and the Breach with Rome.

The Tudor period marked a definite transition from the medieval to modern England. Her national life changed and advanced on all Tudor Period, its sides. Her cultural outlook, her characteristics. political institutions and her religious and social conceptions showed a new spirit. Both the rulers and the ruled became conscious of their national unity and separateness and national interests and needs. The rulers were anxious to maintain peace within the country by keeping the nobles and other turbulent elements in order, to protect the kingdom from the danger of foreign invasions and from external religious interference and to promote the welfare of the people by adopting ministrant measures and by laying the foundations of national power, prosperity and learning. The ruled were desirous to possess security of their life and property and their privileges and liberties. They were also ambitious to advance their economic and constitutional opportunities and their religious ideas and social freedom. The kings were careful to assert their sovereign authority and prerogative rights over all in the land and against all foreign encroachments and interferences. The Tudors period is important politically for the establishment of a strong central government, religiously for the independence of the national church and constitutionally for

H-1

SINGH

people.

the recognition of the people's share in the government of the country.

The Tudors were strong kings. Their authority had the willing support of the people as a whole. There was an identity of interests Tudor Monarchy between them and the people. Their strength lay in the security of their title, in their strong personal character, in their possession of the means of power, such as army and finance and in the people's faith in the divine right of Monarchy. The people's willing support was due to the deeply rooted and instinctive conviction that a strong executive was necessary for national unity and that in face of dangers which threatened both at home and abroad, the sovereign must be allowed a free hand. Thus the Tudor Monarchy was a national monarchy. It was popular with the masses and was actively supported by the influential classes, namely, the nobility, the gentry, the lawyers and the merchants who sat as members of parliament and represented the leading elements and governmental

forces of the shire and the borough. A strong monarchy

was indispensable in those days of dangers of civil

wars and foreign invasions and was beneficial for the

intellectual growth and commercial prosperity of the

The old forms of government continued, but they were worked in a different spirit. The personal will of the king was not dominant. He did not go against the customs and privileges of the people, nor did he override the common law of the land and the injunctions of the church. Conflict arose when individuals began to demand political rights and religious liberties and when kings began to assert prerogatives of the crown and to strive for political supremacy, religious uniformity and national independence against disruptive forces and interferences from within and without. The Tudors gave national independence and civil liberty to the people and recognised the position of parliament in the government of the

country. They reorganised the internal government and administration of the country. But the people had no security against their arbitrary rule. The executive was not responsible to the legislature. Parliament wanted to control executive matters and measures.

Thus we note two currents during this period. One was in favour of strong government leading to the

centralisation of its power and Two currents. functions. Foreign wars and invasions, internal risings and disturbances, religious divisions and wars in Scotland, economic needs and national aspirations led to the strengthening of this current.

· The other was in favour of individual freedom, leading to the recognition of citizens' rights and liberties. The influence of renaissance in emphasizing intellectual freedom, the growth of democratic and individualistic sects of Puritanism and the need of initiative and enterprise in matters of colonisation and commerce

developed this second current Both these currents came into conflict with each other, because the political and religious authority on one side and the political and religious freedom on the other had their own

supporters and fighters.

The Tudors were not despots but dictators. They had no theory of despotism. Circumstances made them dictators. Civil wars and anarchy in the country, disasters abroad, the weakness of Government, the parliament having become the instrument of the powerful, the decline of trade, the inability of the church to reform and the want of regard for people's wishes during the pre-Tudor days were those circumstances. The country was greatly in need of security from within and without so that the life of the people might be undisturbed. The Tudor kings did not generally disregard the letter of the law. They exercised their power strongly but with discretion. They used constitutional forms and established institutions. Parliaments and courts continued to function as before.

Henry VII (1485-1509) was a strong king. He was a great soldier, administrator and diplomat. He laid the foundations of the Tudor

Henry VII. His dictatorship. He maintained order and thus gave peace and security

and thus gave peace and security to the country. His policy was first to eliminate the dynastic quarrel and to establish his dynasty firmly on the throne. He based his title on descent and conquest and got it confirmed to him and his descendents by parliament in 1485. He married Elizabeth of York and thus united the houses of York and Lancaster. He got into his power all possible claimants to the throne and suppressed them. His next problem was to establish order in the country. He kept down the turbulent barons by passing an act against unlawful retainers and liveries (1503), by exacting benevolences

and by keeping the monopoly of His measures. artillery in his hands. He estab- \* lished the Court of Star Chamber (1487) which punished heavily the unlawful actions of overmighty subjects. He passed the statute of fines (1489) which put an end to all claims upon land after five years and thus gave security to landowners. He enacted the law of Treason (1495) which gave security to all law-abiding subjects. The Court of Star Chamber which was a committee of the king's council dealt with offences which had disturbed the state of the kingdom at the end of the fifteenth century, namely, riots, unlawful assemblies and dangers to lands and goods. The statute for the security of the subject under a de facto king (1495) declared that "no person or persons that attend upon the king and sovereign lord of this land for the time being in his person and do him true and faithful service of allegiance in the same or be in other places by his commandment, in his wars within this land or without, that for the said deed and true duty of allegiance he or they be in no wise convict or attaint of high treason." Thus this meant that the possession of the throne gave a sufficient title to the subject's allegiance and justified his resistance to those

who pretended a better right. Henry VII strictly enforced justice against all offenders.

In order to promote the welfare of the people he passed a number of laws regulating the internal and external economic activities of the people. His legislation related to the protection of agriculture, trade and industry from neglect and foreign competition and to the regulation of guilds. It checked social unrest and riots which were largely due to economic causes, namely, neglect of husbandry and system of enclosures, encroachment of crafts and monopoly of guilds, rise of foreign competition, disputes between labourers and employers, rise of sturdy beggars and pressure of taxes.

His foreign policy being peaceful he had not to incur large expenditure. His main sources of revenue were extra-parliamentary. They His finances. were based on crown lands, feudal dues, customs, judicial fines, profits of coinage, forced loans and benevolences. He imposed heavy fines on rebels and law-breakers through the Star Chamber Court. His financial agents, Empson and Dudley, added to the revenues by using the law courts as a means of extortion, by reviving obsolete statutes, by bribing sheriffs and bullying juries. Rich men were made to give forced loans and benevolences by using the argument called Morton's fork. Offices and benefices were also sold. He thus amassed great wealth, which increased his power and independence.

He summoned parliament seven times but it granted him subsidies five times only of small amounts.

They were unpopular. Their collection was difficult. It gave him tonnage and poundage for life, allowed him to resume the crown lands and granted him £ 14,000 a year in lieu of the old right of purveyance. It passed all his laws without protest. He did not neglect or override parliament. His greatest

work was the strengthening of the power and efficiency of the central government, namely, the council and its committees.

The condition of the church was not satisfactory. There were evils of plurality, absenteeism, lust and corruption. Discipline was absent.

Condition of the Church.

Heresies were rampant. Hence there had grown up a general desire for reform of religious and moral buses.

Henry VIII (1509-1547) was a strong, able and popular king. He was very selfish. But his desires and aims coincided with those of the nation which wanted a powerful sovereign to protect its interests. He prevented internal disorder and external interference and made England a great power in Europe. He protected and promoted agriculture, industry and commerce. He thus continued his father's policy.

He held nine parliaments in all. During the first part of his reign; from 1509 to 1527, the measures passed

Measures of the importance. The first parliament of 1510 sanctioned the trial of Empson and Dudley who were even

Empson and Dudley who were executed for their irregular fiscal extortions. It dealt with problems of poverty and crime, agriculture, industry and trade. It granted the king tonnage and poundage for life and liberal subsidies for the defence of the realm and the sea and for his household expenditure. The parliament of 1512 which lasted for three years passed an act denying the benefit of clergy to murderers and robbers, and maintaining that the king of England never had any superior but God alone and that his temporal jurisdiction was supreme in England. The act in Richard Strode's case (1512) declared that all prembers of either house were protected from prosecution for their speeches or votes in Parliament and admitted by implication their freedom of debate.

Richard Strode has been prosecuted for having proposed certain bills in parliament to regulate the tinners in Cornwall. In consequence he was fined and imprisoned. He was released under a writ of privilege.

Henry VIII inherited the large amount of wealth which his father had accumulated. He, however,

His financial sources of his active foreign policy. He continued to use his father's financial

expedients of forced loans and benevolences. Besides tonnage and poundage and the subsidy on wool, woolfells and leather which were granted for life in the first parliament, tenths and fifteenths were granted by parliament on eleven occasions, nine several subsidies of a new kind and a graduated income and property tax were levied at more critical periods. Besides these legal taxes the king got grants from the convocation following those of parliament in due proportion. The king also exacted from the clergy under the threat of Praemunire a heavy amount of £ 1,20,000 in 1531. He received large payments of tribute from France under the treaties of Edward IV and Henry VII. The spoils of shrines and the plunder of monasteries also gave him enormous revenue.

Parliament, however, did not show any subservience in the matter of grants. It refused to be intimidated by the presence of Cardinal Wolsey in 1523 when he asked it to grant as much amount as the king wanted. It insisted on its own liberty and granted as much as it wished. In 1525 a commission was appointed to assess and realise forced loans but the people resisted and therefore it was withdrawn. Forced loans, however, continued to be realised now and then and later on parliament released the king from these debts.

From 1528 till the end of the reign the struggle with Rome continued and led to new constitutional deve-

Measures of the lopments. Papacy was not popular in England. Englishmen hated Pope and the existing ecclesiastical immorality and corruption. English laws of Provisors and

Praemunire forbade Papal interference in the English-church organisation. Henry VIII had asserted in \*1512 the doctrine of royal supremacy in England against Papal interference in matters of clerical appointments and ecclesiastical jurisdiction. He thus struck the national note of reformation which was historical and popular, and it was he who completed it. The Pope was unpopular in England because of his worldly ambitions, greediness, corruption and interference. The

church and popular clergies were ignorant, wealthy and worldly and were for secular enjoyments. They acted as absentee landlords. The monks had grown lazy and immoral and the monastic life which had served its purpose was becoming out of date. There was decay of high religious feelings again, the teaching of Lollards had done much to prepare men's minds for receiving the teaching of new protestant leaders. The revival of letters had roused a critical, reforming and individualistic spirit. Luther's teachings also influenced the English mind. These were the general predisposing causes of reformation in England.

The immediate and inportant cause, however, for final breach with Rome was the desire of Henry VIII for the divorce of his wife, Catharine of Spain. About 1525 he fell in love with Anne Boleyn. He was anxious for a male heir to succeed him. There was also doubt created in his mind about the validity of his first marriage. Catharine was the widow of his eldest brother Arthur. There were no difficulty of his first marriage.

Arthur. There were no difficult formalities in the way of obtaining divorce. But there were formidable parties interested in preventing it. The Emperor Charles V was queen's nephew. The Pope whose power was rudely shaken in Germany and Italy was anxious not to displease the Emperor and therefore not anxious to grant the divorce. He, however, was prevailed upon to commission Cardinal Wolsey and Compeggio

to determine the validity of the king's marriage. When the trial had begun, the cause was 'called back to Rome. Henry knew that his only chance of getting the divorce was to have it tried in England, while the Pope felt that the only chance of avoiding injury to his cause and policy was to keep the case dragging on at Rome until the parties were tired or something else turned up. Henry saw this and would not tolerate it. He, therefore, determined to destroy Wolsey under the penalties of Praemunire as he could not obtain sanction for the divorce of Catharine. Thomas Wolsey had entered the king's council in 1511. He soon became the king's chief minister and chancellor and cardinal. Efficiency was the aim of his policy. He was a patron of learning and was desirous to reform the more flagrant evils in the church. He was not for reform in doctrine or break with Rome. Henry directed his attorney to sue for a writ of Praemunire against Wolsey (1528) on the ground that acting as Papal Legate he had broken the Fall of Wolsey. since Wolsey had obtained the legatine authority (1518) at the king's own pressing desire in order to use it for the king. Wolsey made immediately his humble submission. Henry confiscated his estates. He was arrested for high treason (1530) but died at Leicester on the way to the Tower. He was the chancellor and chief minister of the king from 1515. After his fall in 1528 Sir Thomas More succeeded him as chancellor.

The king issued writs in 1528 for the summoning of a parliament. During Wolsey's period it had met only once for a brief session in 1523.

The Reformation Parliament (1529-1536)

The new parliament lasted from 1529 to 1536 and was called the Reformation Parliament. It held seven sessions. It severed the country from the control of the Pope and carried out profound and wide-spread changes. It was however the royal initiative and determination which was really responsible for Reformation or breach with

Rome. Henry had no quarrel with catholic doctrines. . He defended them and maintained them. He was, however, against the doctrine and system of Papal supremacy in the English church. The English Reformation under Henry VIII was therefore primarily political. It overthrew the Papal headship in matters of ecclesiastical jurisdiction, legislation and administration and made Henry the supreme head of the church.

The parliament of 1529 was influenced in its composition. Henry was interested in the choice of candi-

dates and wanted his nominees to Its composition and be returned. Every writ of election character. was accompanied by a private letter from one or other of the king's councillors directing the choice of electors. The majority of the house consisted of crown officials. Nevertheless, though it contained 'serving men, parasites and flatterers' it was not an assembly of subservient men but a body roughly

'representative of an orthodox, priest-hating and crownloving nation.' It threw out the Statute of Uses and the Statute of Wills which were promulgated in 1532. The people were anti-papal and anti-sacredotal. The specific abuses of the English church were those of trials for heresy, of mortuary dues, of cierical titles and fees, of pluralities and non-residence. The clergy were hated for their covetous conduct, their laxity and liberty of living. This long parliament of Henry VIII was

epoch-making in English constitutional history.

Henry was at first not willing to break with the Pope. He showed his orthodoxy by burning Tyndal's English Bible which was published in 1526. He, however, wanted to frighten the Pope into concession by a threat of withdrawal of

Measures passed.

First Session.

allegiance to Rome. In 1529 a statute was passed dealing with acknowledged abuses relating to mortuary dues, pluralities, probate of wills, non-residence, farm-

ing of church lands by spiritual men, fixing of clerical fees and enforcing of discipline. In 1530, the universities

of Europe which were consulted on the question of divorce by the advice of Thomas Cranmer gave their approval to it. As the Pope would not yield, regular statutes were passed from 1530 which broke the bonds with Rome and completed the breach. In 1531 the clergy were declared guilty for having violated the statute of Praemunire by recog-Second Session. nising Wolsey's legatine authority in their convocation. They purchased pardon by paying £ 1,00,000 and by acknowledging in their convocation \* the king to be "their singular protector only, and supreme lord, and as far as the law of Christ allows, even supreme head." Under the law of Praemunire the laity were guilty too, but the king pardoned the rest of his subjects. The king's agents at Rome did not succeed in persuading the Pope to grant the divorce. Henry was prepared for fight and did not care for excommunication, if it came. He was still desirous of intimidating the Pope with the help of parliament.

In 1532 the First Act of Annates was passed. An. nates were the first fruits of a benefice, that is, the first year's income of bishoprics paid on Third Session. every vacancy to the Pope. They were henceforth to be paid to the king. This restraint on Papal rights was to be condi-First Act of Annates. tional. If the Pope were to yield, the payments would be resumed. Any bishop who paid them was to forfeit his lands and goods to the king. On an address from the commons three articles were proposed to the clergy. They were to promise to enact no new constitutions, canons or ordinances in convocation without royal licence. The existing body of ecclesiastical law was to be submitted to a committee of thirty-two, half lay and half clerical, but all chosen by the king so that any ordinance found contrary to God's law or Submission of the the law of the realm should be Clergy. abolished. The laws approved by the majority of the committee should receive the

king's consent. These articles were accepted by the convocation. This was called the Submission of the Clergy which destroyed ecclesiastical independence in legislation. More who had been the chancellor since 1528 resigned the seals (1532). On January 25, 1533, Henry married Anne Boleyn, being sure of getting a sentence of nullity of his previous marriage from the Archbishop. Cranmer was appointed Archbishop of Canterbury in the same year. Henry confirmed the Act of Annates and defied the Papal power.

In the parliament of 1533 he obtained the passing . of the First Statute of Appeals which forbade the carrying of appeals to Rome. It Fourth Session. declared the realm of England to be an empire governed by one supreme head and king to Statute of whom "a body politic compact of all Appeals. sorts and degrees of people and divided in terms and by means of spirituality and temporality was bound to bear "next to God a natural and humble obedience". It also laid down that the English church "is also at this hour sufficient and meet of itself without the intermingling of any exterior person or persons to declare and determine ordinances, laws, statutes and provision" and after touching upon "the great enormities, dangers, long delays and hurts" involved in appeals to Rome, it concluded that all spiritual cases should henceforth be "finally and definitely adjudged and determined within the king's jurisdiction and authority and not elsewhere". The Annates Bill had provided for the confirmation and consecration of bishops. Thus the English church was emancipated from Roman supremacy and its competence for complete internal administration under the supremacy of the king was declared. The jurisdiction and organisation of ecclesiastical courts were however left untouched.

Before the meeting of parliament for its fifth session on January 15, 1534, Archbishop Cranmer Fifth Session. had declared the divorce of Henry from Queen Catharine and the king's marriage

with Anne Boleyn valid. The convocation confirmed it. Anne Boleyn became Queen, Second of but the Pope annulled Cranmer's Annates. sentence of divorce. Therefore, in 1534, the Second Act of Annates was passed declaring the final refusal of Annates. The Ecclesiastical Appointments Act laid down that elections of archbishop and bishop were to be conducted without reference to an alien power. The prior and convent or the dean and chapter of the cathedral churches and monasteries were to elect bishops and archbishops under a royal licence or congé d'élire designated in a letter missive from the king. Bishops were to take an oath of fealty to the king before consecration. Another act forbade payment of Peter's Pence and all other pensions and fees \* to Rome. The Pope was to receive no money from the clergy, secular or regular. The Archbishop of Canterbury was to grant licences in all cases where licences had previously been sued from Rome. No clerk, regular or secular, was henceforth to take an oath to the bishop of Rome. No abbey or monastery was to be visited from Rome or by authority of Rome. A royal commission was to visit them. The clergy both secular and regular were compelled to make a new submission, to recognise the validity of the marriage and succession and to admit a new and comprehensive oath for the maintenance of the two.

A Submission Bill or Second Statute of Appeals embodying the concession made to the crown by the Submission of the Clergy in the convocation of 1532 was passed. The convocation was to be assembled by royal writ and was to promulgate no new canons save with royal consent. A commission named by the king was to reform the Canon Law. No canon was to be enforced which should run counter to the king's prerogative or to the customs, laws and statutes of the realm. No appeal was to go to Rome under the penalty of Praemunire. There was to be an appeal from the

Archbishop's court to the king-in-chancery. Religious houses which were exempt from episcopal control were

to appeal direct to the same royal court.

The First Act of Succession (1534) declared the marriage with Catharine unlawful, that with Anne Boleyn lawful, and her children heirs to the throne. It demanded

an oath from all subjects to observe the whole contents of the act upon pain of misprison

First Act of Sucof the act upon pain of misprison
of treason. Then the First Act of

Supremacy was passed. It declared that "the King's majesty justly and rightfully is and

First Act of Supreought to be the supreme head of
Church of England and so is recog-

nised by the clergy of this realm in their convocation." It enacted that 'the king our sovereign lord, his heirs and successors, kings of this realm, shall be taken, accepted and reputed the only supreme head on earth of the Church of England, called Anglicana Ecclesia and shall have and enjoy all honours, jurisdictions and privileges belonging to the supreme head of the church." Thus the king assumed all the juridical and political powers of the Pope in England. Henry asserted that it was within the provinces of the supreme head of the church to reform he Canon Law, to control ecclesiastical legislation and to exercise a disciplinary and corrective power over the church. An oath was exacted calling on men to refuse all obedience to any foreign authority and to accept all acts made by the present parliament. For refusing to take this oath the chancellor, Sir Thomas More and Bishop Fisher were imprisoned in 1534 and were executed in 1535.

In 1534, the Treasons Act was passed against persons maliciously wishing by words or writing or imagining or attempting any bodily harm against the king, the queen or heirs apparent, or slanderously publishing or pronouncing by express writing of words that the king was heretic, schismatic, tyrant, infidel or usurper of the crown.

In 1535, Thomas Cromwell who was an able and unscrupulous man and formerly secretary to Wolsey and had become powerful in the king's council was made vicar general or ecclesiastical dictator. His policy was to make the king absolute in church and state.

Cromwell and Dissolution of Lesser monasteries.

He began an inquiry into the condition of monasteries which were supporters of Papacy and were international in character. Commissioners

were sent to visit all churches, monasteries and collegiate bodies inquiring into their system and work. The main plan was not to reform but to attack the monastic system. The king wanted money. Monasteries owned a lot of land and wealth. There was a decline in their ideals of poverty, learning, teaching and social service. Schemes of spoliation and secularisation of their properties and wealth were settled. The crown was to take a part and to distribute the remainder to the nobles and gentry in order to gain their support. In 1536, the Act for the Dissolution of

the lesser monasteries with less than £200 a year was passed. They were accused of sinful, vicious, carnal and abominable living. 376 houses were dissolved and all their lands, properties and wealth were confiscated. Wolsey in his great scheme of church reforms had led the way to this. He had obtained bulls of legation from Rome enabling him to suppress convents and establish bishoprics. He had dissolved those which were in a bad way and with their proceeds he had founded colleges. In 1536 a new court called the Court of Augmentations was founded to manage the confiscated property which was vested in the king and his heirs. The king acquired £32,000 of annual revenue besides jewels, plates, etc.

Other Measures.

Other Measures.

The last session of the Reformation Sent to the Universities to inquire into their system of education with the result that the reforms advocated by Colet were carried out.

passing the Act of Dissolution of lesser monasteries also passed a number of other important measures. It incorporated Wales into England and laid down that all writs in Counties Palatine should run in the king's name and that no one but the king should appoint justices or pardon. It also limited the evils of benefit of clergy and sanctuary, enforced the better payment of tithes and arrested the progress of enclosures and the menace of vagabonds. It regulated the work of Universities. It was dissolved in 1536. This parliament did not take any step towards doctrinal change. Only Papal supremacy was denied and abolished.

The Reformation Parliament created a great revolution in the conception and competence of the English state and monarchy. It severed the English church from its legal connection with Rome and made it independent. It established royal supremacy over the English church. It exalted the royal power over all persons and bodies in the kingdom. It regulated church jurisdiction, legislation, endowments and appointments. It dealt with many grave social problems, such as mendicancy and enclosures. It sanctioned the reform of Universities. It standardised the legal and administrative system of Wales.

In 1536, Anne Boleyn was executed and Henry married Jane Seymour. A new parliament met which passed the Second Act of Succession.

Second Act of Since Sion. It limited succession to the children of Jane and gave Henry the power of leaving the crown by will.

Henry did not disturb the doctrines of the church.

He never forgot that he was the defender of the faith,

a title given him by the Pope in

1521 for his book against Luther.

He was royally orthodox, says Dr.

Stubbs. His chief idea was that he was supreme both

in church and state. But he was not for protestantism. He drew up ten Articles of Faith to establish Christian quietness and unity. They were accepted by the convocation. They declared the necessity of transubstantiation, works as well as faith, the Bible, creeds and the first four councils as the basis of religion. This was an attempt to maintain the Roman Catholic doctrines. The king asserted his right to decide the doctrine and repudiated the authority of the Pope. Thus an independent English church under the King as the supreme head was established. Coverdale's translation of the Bible in English was declared authorised and was to be placed in all Parish churches. Cromwell issued injunctions about religious duties. A general knowledge of the scriptures was expected from the people in vernacular. These measures marked the beginning of doctrinal reformation in England. The form began to change. In 1537, the Bishop's Book or the Institution of a Christian man was issued. It was of the same nature. In 1538, Cromwell organised a methodical iconoclasm.

Relics, images, shrines and other emblems of popular superstition were destroyed. The shrine of St. Thomas Becket was desecrated. There was a vigorous compaign against friaries. Great monasteries began to surrender one by one. The Pope who had prepared a bull of excommunication, absolution and deposition of the king in 1536 issued it now but it could not be executed. In 1539 a new parliament was called. It appointed a committee to examine opinions concerning the Christian religion. It passed the Six Articles Act which asserted the doctrine of transubstantiation, the right () of refusing the communion cup to the laity, the (2 obligation of clerical celebacy, the (3) Six Articles Act. perpetual obligation of yows of chastity, the necessity of private masses and the necessity of auricular confession. This was the orthodox catholic faith. Henry had no sympathy with doctrines of the reformers but he was influenced by the new learning and was opposed to the grosser forms of

> H-2 PRATAP COLLEGE LIBRARI.

superstition. His innovations were the authorisation of an English Bible in 1539, called the Great Bible issued by his authority and set up in every church, the use of English Litany or prayer book and opposition to pilgrimages. He was not anxious to make any vital changes in religion. Both the doctrine and the ritual remained unaltered in his day. Yet he made the doctrinal reformation inevitable. By his repudiation of Papal authority he prepared the way for it.

After the dissolution of the lesser monasteries in 1536 there were insurrections in Lincolnshire and in northern counties which were called by the insurgents the Pilgrimage of Grace." The people were grieved over religious changes and suppression of the smaller monasteries. There were also political grievances of the northern nobles against Cromwell's power and economic dissatisfaction with the system of enclosures. The rebellion was suppressed in 1537. It led to the establishment of the Council of the North (1539) which was a local committee of the Privy Council to keep order and to help the dissolution of the larger monasteries.

The Act of 1539 dissolved 645 monasteries in number. It vested in the king and his heirs all the monasteries which had already been Dissolution of surrendered or forfeited since 1536 greater monasteries. and all thereafter dissolved. One of the results of the dissolution was that mitred abbots disappeared from the House of Lords and lay peers for the first time out-numbered the spiritual lords. The general effects of the dissolution Its effects. were that Henry became one of the richest kings, his supporters, namely, nobles and gentry received large grants of lands and thus became strong supporters of the Reformation. Some portion of the . confiscated lands were used to erect six new bishoprics and to found schools. Much suffering was, however, . caused to those who used to receive alms and free education.

We 10

The passing of the Lex Regia in the same year gave the King's proclamations the force of law. It was argued that sudden causes and occasions required speedy remedies "for the good and politic order and governance of this realm", and "for the defence of his regal dignity and the advancement of his commonwealth and good quiet

"for the good and politic order and governance of this realm", and "for the defence of his regal dignity and the advancement of his commonwealth and good quiet of his people." They were however not to encroach upon the liberties, privileges and property and life of the people or their bodies politic and corporate under the common laws. Save in the case of heresy or under forfeitures expressed in the act no proclamation was to prejudice life, liberty and property, or to abridge the force of the laws of the land. The Cranmer's Bible, known as the Great Bible, which was based on the translation Matthew combined with those of Tyndal and Coverdale was ordered to be read in the churches.

In 1540 Cromwell was attainted on an absurd charge of treason by his enemies of the conservative party who were against innovations and were led by Gardiner and Duke of Norfolk. The King was also annoyed with him in the matter of his marriage with Anne of Cleves in 1539

whom he got immediately divorced.

In 1543 there was issued the King's Book on religion. It was a search for uniformity. Though it repudiated the Pope and Indulgences, it was a clear manifesto of Catholic orthodoxy. It asserted the royal right of appointing bishops. The Court of the Marches was established in this year. The King recognised the privilege of the member of Parliament, namely, freedom from arrest in the case of George Ferrers.

In 1544 was passed the Third Succession Act which left the crown, firstly to Edward and his heirs, tecondly to Princess Mary and her heirs and thirdly to Elizabeth and her heirs. Henry completed this act by his will in which in the last resort he left the



throne to the descendants of his younger sister, Mary, Duchess of Suffolk. In 1545 the Litany and services for morning and evening prayers were issued in English.

Thus we see that the king was for religious uniformity and royal supremacy in church matters. All his measures were passed with these objects. Amongst the people there were three types of opinions, one desired to go back, another to stand still and the third to go forward. But the last was not a powerful body as yet. Henry tried to stick to one half of the movement, namely, the overthrow of Papal supremacy and the substitution of royal supremacy in the English church, and he wanted to leave the other half, namely, the overthrow of Papal infallibility and the substitution of doctrinal change. The English church, however, became national and independent of foreign control.

It became subject to the state and a bulwark of loyalty to the Crown.

English church.

It declared the divine right of kings to rule, that the king's word was law, that his power was absolute and that he was not responsible to the people. The English church retained all her framework, and at least half of her old endowments. She had obtained the Bible as well as the use of the chief forms of prayer in English. She had also given up a mass of superstitious usages.

The king was very ambitious, self willed and cruel, and in order to gain his ends he sacrificed, without law, trial or defence, Edmund de la Pole, Earl of Suffolk (1513), Duke of Buckingham (1521), Wolsey (1530), Fisher and More (1535), Anne Boleyn (1536), Edward Courtenay, Marquis of Exeter and Henry Pole, Lord Montague (1538), Cromwell (1540), Margaret, Countess of Salisbury (1541), and Earl of Surrey (1547). There were also religious executions, such as those of Thomas Bilney (1531), Elizabeth Barton (1534) and Anne Askew (1546). The liberty of the subject to act or speak or even to think was reduced to a

minimum under the Treasons and Heresy Acts and the interpretations of constructive treasons.

The social effects of the reformation were visible in the condition of the poor, of education and of roads. At first the poor suffered greatly. Social effects of The monasteries were the chief the Reformation. source of the relief of pauperism in the middle ages. They used to give doles to all the poor within their presence. This, however, had only relieved the distress which they had maintained. The state was now forced to come in and as a consequence the system of state relief of the poor developed under the Poor Law Acts. Monasteries had maintained free schools for boys and nunneries for girls in many places. There were also monastic libraries. All these schools and libraries which were necessary for the growth of learning were destroyed. Universities also suffered. Monasteries used to send promising boys and their junior members to study there. Therefore there was a great decline in the number of students. . Still the ultimate results were good, for monasteries were associated with scholasticism. The new grammar schools which were established meant new lines of thought. The monasteries had generally taken upon themselves the duty of maintaining roads and thus of keeping open the means of communication. After their dissolution many roads fell into decay and therefore small country towns and their trade declined. The dissolution of monasteries also accelerated the movements of enclosures and sheep-farming. The monasteries were

One great principle of Henry's policy was to obtain for his measures the acquiescence of his people and thus to invest them with authority. He knew how to turn opposition into acquiescence or to take acquiescence for granted, as Dr. Stubbs put it. He was his own master and sole

easy-going landowners but their successors were anxious

for more profits. Thus the poor villagers were hit

hard.

Indo

counsellor and not the minister of the people. Where he carried their good will with him it was by forcing, not by anticipating or even educating it. He manipulated and utilized their feelings and prejudices to his own purposes, by his unscrupulous, crafty and violent methods. The nation and the church seemed to accept, acquiesce in or petition for the things which Parliament and Convocation did in their acts.

Edward VI (1547-1553) was only nine when he became king. Consequently there was a protectorate during his minority. Edward Edward VI. Seymour, Earl of Hertford, brother The Protectorate of Somerset. of Queen Jane Seymour and uncle of Edward VI was made protector and took the title of the Duke of Somerset. His government lasted for two years (1547-1549). The absence of any active control of the work of government by the sovereign led naturally to some weakness in the protector's authority. The constitutional importance of the king was always great and the Privy Council without him would be left without a leading and controlling hand. Edward being a minor could not take any active part and therefore the system of government could not possess that unity and harmony and therefore efficiency which is so necessary for its success. The troubles of Edward's reign were due to factions in the council. Henry VIII had appointed a council of executors to act in Edward's name. They were all new nobles, half Catholics and half Reformers. No one was to have precedence over the rest. The Reformers, however, got the upper hand.

The reign of Edward VI is generally associated with doctrinal reformation. He had learned from his teachers definite and advanced protestant views.

Some people in the country were desirous of getting rid of bishops, their property and authority and were of advanced views in religion. The Privy Council which was dominated by men like Cranmer, Hertford and Lisle, was inclined towards and interested in new

learning and new reforms. Conservatives were not strong and influential in the council. In the absence of the controlling hand of the king the council had now to rule. Its councillors derived no powers from parliament. They were chosen and removed by the king at will. The king being a minor, the authority of the sovereign would be exercised by the regent and the council. Henry VIII had left a will which was entrusted to Hertford. It could be valid only during his son's minority and if he died a minor. Hertford who was chosen by the council to be the protector of the realm and governor of the king's person became Duke of Somerset and John Dudley who was Viscount Lisle, became Earl of Warwick. Cranmer crowned Edward in 1547 and asserted the divine right of kings and repudiated alike the pretence of popular election and the ecclesiastical claim of depriving the king of his right to rule. Edward succeeded by his hereditary right strengthened by parliamentary statute. There were but two parliaments during his reign, one from 1547-1552 and the other of 1553.

Somerset was anxious for the welfare of England. He was of reformed views. He ignored the treason and heresy laws of Henry VIII. Policy This led to popular license in imageand Measures. breaking. There grew up heretical teaching and preaching against the veneration of images and other catholic customs, and scurrilous ballads and tracts against mass. The spirit of resistance and reform increased. A breach began to take place between conservative Catholics and reforming Protestants. In 1547 the first parliament repealed Henry's treason and heresy laws, the statute regarding burning of heretics, the act of six articles, and all restrictions parliament, on printing, reading, teaching or doctrinal changes. expounding scriptures and "all and every other act or acts of parliament touching doctrine or matters of religion". It also repealed the act of 1539, called Lex Regia, which gave royal proclamations the force of law and annulled the statute of 1536, which enabled the king on reaching twenty-four to repeal by letters patent acts of parliament passed during his minority. In matters of religion parliament allowed communion, that is, sacrament at the altar in both kinds, declared lawful clerical marriages and ordered images and pictures of saints to be destroyed. Bishops were to be appointed by letters patent and not by congé d'élire in letters missive. The Latin mass was abolished. An act for the dissolution of chantries and religious associations was passed. Chantries were endowments for the singing of masses. All these religious endowments and associations were dissolved and their properties with certain exceptions were confiscated. The money was intended to be used for erecting grammar schools for the education of the youth in virtue and godliness, for the augmenting of universities and for the better provision of the poor and needy. It was, however, not properly used, and great harm was done to the cause of education because chantry priests had kept schools.

The formal abandonment of coercion and penal laws resulted in religious diversity. Communion service was done in English and sacrament was administered in both kinds. An English Litany was used. Images were removed from churches. Latin was excluded from service. In consequence, quarrels and fights arose in the country about forms of service and prayer. Freedom of worship was not desirable when the people were not tolerant and could not agree to differ. Quarrels disturbed peace and the interests of order required uniformity. Henry had maintained uniformity and had enforced treason and heresy laws. In 1549 Cranmer's draft of the First Book of Common Prayer, which was a Common Prayer and First Act of Uniformity. compromise, was adopted, and parliament passed the First Act of Uniformity regulating the Church services and administration of sacraments

and compelling the use of the Prayer Book. It was a

mild measure. There were no penalties on laymen to

attend the new service. It did not set up any doctrinal

uniformity. But Catholics and Protestants would not agree. In Cornwall and Devonshire the peasantry and priests rose in rebellion against the new service and all the principles of the Reformation. They demanded the restoration of six articles, sacraments, old mass and the burning of heretics. They were however suppressed. Thus Somerset's period was marked by moderate changes which were welcomed by the greater part of the church. In the First Book of Common Prayer no attempt was made to impose dogmatic unity but only a uniformity of service in order to ensure peace and quietness.

There was also social unrest in the country during this period. In Norfolk, there was a rebellion under Ket against enclosure movement. The poor had grown discontented with the rich, the peasant with the lord, and the artisan with the capitalist. Vagabonds had increased in the country. The rebels demanded reform of enclosures as well as reform of the houses of parliament. The rebellion heralded the coming of the common man and his demand for his rights. It was however put down. It necessitated the remodelling of the militia and the strengthening of the power of Lords Lieutenant of the counties (1550).

Somerset, however, adopted a lenient policy towards the peasants, but it was not approved by his colleagues somerset's faults in the council. It was not easy for a protector to wield royal authority without royal immunity. There was no divinity hedging round a protector's person. His faults and mistakes were exaggerated for want of this royal immunity and prestige. He was held responsible for them. Both Catholics and Protestants were discontented with his policy of moderation and toleration. The council was also against him. His fall was due to the jealousy and plotting of Earl of Warwick and a few other nobles. They hated him for his arrogance towards them and for his sympathy with the people. He was opposed to

enclosures and had real sympathy with the poor peasant and the Reformation. He was a courageous, able and well motived man, but lacking discretion. His rule was a failure, though he was personally popular. Finances were in disorder and there were riots and insurrections in the country. He was deprived of his power by the council in which the lead was taken by the Earl of Warwick (1549). The council now became the sole authority. Parliament reversed his agrarian policy and re-enacted the Statute of Merton permitting enclosures.

Earl of Warwick obtained supreme power on the fall of Somerset in 1549 and was created Duke of Northumberland's Northumberland in 1551. He was an able, unscrupulous and ambitious man. He sided with the advanced Protestants in order to keep his power, though he cared little for religion. He got measures passed which completely severed the English church from medieval Catholicism. Altars were demolished and stained windows broken. Advanced Protestants were appointed to sees. Catholic interpretation of the Book of Common Prayer was rejected.

He purged the council of his opponents and packed it with his supporters. He began to suspect his old rival Somerset of designs against him. At his instigation Somerset was accused of treason, tried and unjustly executed (1551) for conspiracy against the protector. One of Somerset's weakness was that he was greedy of wealth and authority. He had acquired riches out of the spoils of the church. But he was a better man than Warwick. He was for toleration and social justice.

In 1552 a Statute of Treasons was passed. It reenacted many of the treasons created under Henry VIII and added some new ones. It, however, made evidence of two lawful witnesses necessary for a conviction. They were to be

brought face to face with the accused at the time of the trial. A revised Second Prayer Second Prayer Book Second Act of Book was issued and parliament Uniformity. passed a Second Act of Uniformity in 1552 to enforce it. Both were in the direction of advanced Protestantism. The Communion service was altered so as to exclude Roman Catholic interpretation. The doctrine of real presence was changed into simple presence. Elaborate vestments were abolished. These changes were due to Cranmer's labours. The Second Act of Uniformity sanctioned the ecclesiastical censure and excommunication of laymen who neglected to attend common prayer on Sundays and holidays and threatened those who attended any other than the authorised form of worship with imprisonment. Thus it extended the scope of religious persecutions by imposing penalties recusancy upon laymen. These innovations rendered a vast amount of property inappropriate to the services of the church. Hence it was taken possession of by the state.

Northumberland's government was also a failure.

The condition of the country became worse. The government was in debt, coinage debased, prices high and goods scarce. Immorality was rampant though the church was reformed. The councillors were mere greedy self-seekers with no sympathy for the people.

Edward, though promised well in character, was delicate in health and ill. Mary was to be his successor by the will of Henry VIII. This would ruin Northum-

Northumberland's berland's interests and ambition. Therefore he plotted. He proposed to set Mary aside in favour of Lady Jane Grey, who was the grand-daughter of Henry VIII's younger sister, Mary and whom he married to his son, Lord Guilford Dudley. Mary and Elizabeth had been declared bastards by acts of parliament which were still unrepealed. Edward who was under the influence of Northumberland accepted their illegitimacy

and made illegally a will in favour of Lady Jane Grey. The other objection against Mary was that she would restore the power of Rome and that against Elizabeth was that she would marry abroad. Therefore, Lady Jane Grey who had married an English husband would be more suitable. Edward, however, being a minor could not make a valid will. Its failure. Edward died in 1553. Northumberland who had tampered with Edward's will proclaimed Lady Jane Grey as queen. However his plot failed. Mary had escaped to Norfolk. The people hated Northumberland and his friends for their rapacity and disliked the changes in religion and succession. Mary was the true heir. Jane was regarded merely as a puppet in Northumberland's hands. She herself took no pleasure in her new dignity. The country began to rise in favour of Mary. The council at London followed and Mary succeeded to the throne.

Protestantism had as yet not taken a great hold on the people. They, however, as a whole slowly accepted Henry's theory of an English Causes of people's Catholic Church independent of Rome. The violent changes of Edward's reign were not acceptable to a large number of people. Thus people's minds were not settled about religious changes before Mary sat on the throne. Another cause of discontent of the people was the turning of tillage land into sheep-pastures, which had resulted in the increase of landless and vagrant men. There were severe laws passed against vagrants and beggars without providing measures for their relief. There was scarcity of work owing to the system of enclosures which had increased after the dissolution of monasteries and which was found very profitable by their new owners.

Mary's (1553-1558) accession was popular as she had suffered a good deal. She got Northumberland and his son, Earl of Warwick, executed and Lady Jane Gray and her husband imprisoned in the Tower (1553). She remodelled

the council and put in Catholics. She at first disclaimed any intention of compelling men's consciences. She, however, did not wish to abide by the Act of Uniformity, nor to permit others to suffer under it. She was a sincere Roman Catholic and allowed old services. This led to disturbances by Protestants. Cranmer was sent to the Tower and old Catholic bishops were re-instated. Most of the people were desirous of having Catholicism "as in the last years of Henry VIII."

Mary held five parliaments in all. Her first parliament of 1553 passed the First Act of Repeal

Her First Step of and all penalties for Praemunire created since 1509 and for denying royal supremacy. It declared attainders void,

annulled Queen Catharine's divorce,

The First Act of established Mary's legitimacy, repealed Edward's religious legisla-

tion and repeated the liberal sentiments of 1547. It granted her tonnage and poundage for life. But it would not rescind the Act of Royal Supremacy, nor restore the abbey and chantry lands. It left the question of Papal power open. It was against her foreign marriage and her interference in foreign politics. The country disapproved of Mary's marriage with Philip of Spain and would have preferred Edward Courtney, Earl of Devonshire. Mary was a sincere papist. She had no love for her people. She was determined to restore the authority of Pope in England and to do this alliance with Spain was necessary. Both these objects were unpopular in England. The people did not wish to submit to the authority of the Pope or to that of Spain. In 1554, Mary was engaged to marry Philip II of Spain.

This led to the risings of Sir Thomas Wyatt in Kent and of the Duke of Suffolk, the father of Lady Jane Grey, in the Midlands against the marriage and in favour of putting Princess Elizabeth on the throne. They however were suppressed. The result was that Lady Jane

Grey and her husband were executed and Elizabeth was imprisoned in the Tower. Wyatt's rebellion and its failure discredited the anti-Spanish and anti-Papal party and the cause of the independence of the English church. It showed that at that time the people were far more attached to the Tudor Dynasty than to any particular form of religion or alliance. Parliament passed an act sanctioning the marriage but stipulated with Philip that Mary should have the sole government of England, that she should not to go abroad and that England should not to be drawn into foreign wars by the marriage.

The second parliament of 1554 established Mary's full right to the throne. There were however differences about the revival of the laws of heresy and the extension of treason laws. There developed three parties in the council and in parliament, namely, Catholic Erastians, Catholic Papalists and Protestant Erastians. After the marriage Cardinal Pole arrived in England as a Papal legate. His attainder was reversed. He brought about Roman Catholic restoration and reconciliation with Rome.

The third parliament (1554) passed the Second Act of Repeal. It established reunion with Rome, revived the heresy and treason laws and res-Her Second Step. The Second Act of tored Papal supremacy and ecclesi-Repeal. astical jurisdiction. Thus it repealed the ecclesiastical laws and innovations of Henry VIII passed since 1529. But it refused to restore abbey land or to repeal the statute of Praemunire. The new lay owners of the former church lands were not dispossessed but were confirmed in their possession. The Pope and the clergy were given a free hand only in matters of faith and ecclesiastical government. All the limitations upon ecclesiastical jurisdiction and legislation imposed by Henry VIII were withdrawn. Appeals were no longer to lie to secular courts. Papacy recovered its rights as the absolute sovereign of the church. Its temporal claims were also restored. But statutes against exactions of excessive fees by the clergy were not repealed. There was however no real conversion to the Papal point of view. It was merely a compromise. Confiscations of church property had created vested interests against the cld view-points. Englishmen believed more in national unity and therefore they obeyed the laws of Marian counter-reformation, though they did not believe in them.

In 1555, the fourth parliament revived the heresy laws of Richard II, Henry IV and Henry V, but it did not compel the churche to condemn Her Third Step. heretics. Its legislation was only permissive No statuory penalties would have been incurred if heretics had not been burned. It was a matter of discretion with the executive. Cardinal Pole, Bonner, Gardiner and Mary herself were eager to extirpate heresy. Mary's courts and the clergy were for persecution. Parliament only protected the confiscated property but did not protect liberty of spiritual and moral conscience from the attacks of spiritual courts. Church had again secured independent power, jurisdiction and privileges. The persecution of Protestants, began in 1555. Bishops, Hooper, Ferrar, Ridley, Latimer and Cranmer were burnt. There were many other smaller victims. But Marian persecutions failed and only disgusted the people. These martyrdoms slowly undermined Mary's position. Her intimidations and threats did not succeed in restoring respect for or allegiance to the Pope. Members of parliament got discontented with her measures. The greatest effect of persecutions was that a ferocious and permanent hatred of Rome was created amongst the English.

The condition of the country was miserable. Jurors and members of parliament were arbitrarily imprisoned condition of the and forced loans and taxes were levied without the sanction of parliament. Yet the treasury was empty and the army, fortresses and fleet were in a wretched condition. Calais was lost in 1558. Parliament could only protect secularised

property from the church and the Crown, prevent Philip's designs and coronation, prevent some of her measures and preserve Elizabeth's claims to the throne.

There was no real counter-reformation possible. If she had restored only her father's system, she would have succeeded. There was no spiritual desire for reconciliation with Rome. It was merely agreed to because of the monarch's obstinacy and pressure. But the result of her obstinacy and religious fanaticism was to strengthen Protestantism and to connect in the popular mind Catholicism, that is, belief in Catholic doctrine with Popery, that is, acceptance of the Pope's authority in temporal and spiritual matters, and to destroy her religious settlement. She sent a message to Elizabeth and died in 1558.

## CHAPTER II.

## THE TUDOR PERIOD (1558-1603).

2. The Ecclesiastical Settlement and the Royal Supremacy.

Elizabeth's (1558—1603) title to the throne was purely parliamentary. It was based on the Act of 1544 fixing the succession and on the Act Elizabeth's title. of 1559 recognising her title to the throne. It recognised her as the most rightful and lawful sovereign of the kingdom by the laws of God and the laws and statutes of the realm and also as the rightly, lineally and lawfully descended and come of the blood royal of England. Some thought Mary Queen of Scots, who was the grand-daughter of Margaret, the elder sister of Henry VIII, had a better title. She was married to Francis, the Dauphin of France. Philip II of Spain supported Elizabeth's claim. He did not want the crowns of England, Scotland and France to be united and he hoped to marry Elizabeth and to convert her into Roman Catholicism. Philip's friendship was important for Elizabeth, because mis-government had made her kingdom weak and she was at war with France. Philip was her only ally. He offered to marry her. For this Pope's dispensation was necessary. But she could not agree to it because it would mean that she herself was illegitimate. She did not intend to submit to the Pope and refused to marry Philip.

She became a Protestant partly because of the reaction which followed upon Mary's cruelties, partly because she depended upon the Protestant party, but largely because the Pope was unwilling to make concessions and demanded her unqualified H-3

submission. The mass of the nation and the clergy were not for extreme reforms. The extreme protestants were at first loyal to her, because she alone stood between them and the Pope and Catholic succession and restoration. She was not for extreme changes in rituals, ceremonies and vestments. She did not consider them relics of superstition and popery.

There were ten parliaments held during her reign. There was long parliament, namely, the fourth parliament which lasted from 1572 to 1583, that is, eleven years. It held three sessions. This was the parliament which had to meet the forces of counter-reformation, the Jesuit plots and Roman Catholic conspiracies. It passed a number of penal laws against Romanists and Recusants.

Elizabeth's reign saw the completion of the Angli-

can settlement in religion and the establishment of national independence in political Her religious and matters. She had to face opposition political position. from the Roman Catholics and also from those who were dissatisfied with her ecclesiastical settlement. She had to oppose interference of foreign political powers in her national affairs. The success of Counter-reformation in Europe threatened to upset English religious settlement. The Jesuits, the Pope and Philip II were trying their best to check the Protestant movement and to impose their ideas and doctrines. Elizabeth was supported by Parliament. She upheld the principle of hereditary succession and authority. She was a popular queen. She stood between Philip's imperial ambitions and national independence. In matters of religion she was indifferent or sceptical. She would not sacrifice the security of her throne and the unity and independence of her country for the sake of any particular dogmas. She conformed to and respected the national religion which supported royal authority and obeyed its power. She was against the republican and independent tendencies of Calvinists or

extreme Protestants and also against the ideas of papal supremacy and infallibility of the Catholic dogma. Catholics desired to have the Roman connection and the old system of religion. They tended to uphold Mary Stuart's claim to the throne and to seek the support of Philip of Spain. Protestants who had been severely persecuted under Mary and some of whom had been influenced by extreme opinions wished to carry the Reformation further. They wanted a worship purified from all taint of popery. They scrupled to wear the cap and gown worn by the clergy in daily life and the surplice worn by them in the church. They did not want these relics of Roman Catholic religion. But there were many others who wanted peace more than any particular form of religion and who hated persecution. They were ready to accept any reasonable settlement. These people supported the queen in her religious compromise. She kept some catholic and some protestant doctrines and opposed the extreme sections of both parties.

In her religious policy she had to suppress the growing strength of Counter-reformation movement and to settle the forms and beliefs of the Anglican Church. In her political policy she had to op-Her policy. pose the growing power and ambitions of Spain. In her constitutional policy she had to carry the people and parliament with her. Thus her main purpose was to free England from foreign influence and interference. She did this with as little risk as possible to her security, national resources and popularity by following a cautious and middle path. Her strength lay in the support which she received from the nation. She used all the methods of diplomacy to achieve her purpose. Her genial manners, courage and her steadfast aim of caring for the interests of the people endeared her to them.

From 1558 to 1570 she dealt with the problem of religious settlement. Her object was to found a national

church in which Catholics and Protestants could both worship. She believed in caution and moderation. The Church of Eng-

land, Elizabeth and Cecil thought, should not define her doctrines too closely, so as to be comprehensive. Its chief features were to be service in English, the free use of the Bible in English, the queen to be the supreme head of all ecclesiastical and civil causes in her realm, the adoption of Cranmer's forty-two articles of religion reduced to thirty-nine, the Second Prayer Book of Edward VI revised and made compulsory, and the compulsory attendance at the church on pain of fines. The attitude of the common people did not show any enthusiasm or resistance to it. But the extreme sections of the Catholics and Protestants were not pleased with it. The three successive ecclesiastical settlements of Henry, Edward and Mary had shattered the old fabric of religious life in England. Elizabeth set up a doctrinal system which was partly new and partly old and enforced it against all opposition. The people who recognised the need of peace and security and therefore some definite religious settlement supported her measures.

In 1559 parliament passed a number of acts which strengthened her royal title and supremacy over all the The Act of 1559. affairs, bodies and persons in the nation. There was the Act of Recognition of the Queen's title which declared her rightful sovereignty and descent. The Treason Act made any attempts to deprive her of her crown and title or to take her life or to wage war within the realm or to depose her or to hold opinions or preach against her treason and declared that they would be severely punished bodily and in goods. Mary's Act of Repeal of 1554 was repealed. This again abolished the papal power in England and brought into force Henry VIII's ecclesiastical legislation. The Act of Supremacy destroyed all usurped and foreign power and authority, spiritual and temporal, and united it to the imperial crown of

England, and compelled all religious officers and priests to take an oath recognising that the Queen was the only supreme governor Supremacy. of the realm in all matters, spiritual and temporal. There was to be no allegiance to any foreign power in any matter. The act again severed England from papal jurisdiction. The Act of Uniformity restored the one uniform order of common service and prayer and of the administration The Act of of sacraments, rites and ceremonies Uniformity. in the church of England, which was set forth in Edward VI's Act of Uniformity (1552). The clergy were to use the revised edition of the Second Book of Common Prayer of Edward VI. A fine of one shilling was imposed on the laity for absence from the church "without reasonable excuse." Clergies were to suffer imprisonment for the offence. The Court of High Commission was established to inquire into and deal with these offences against the The Court of High acts of Supremacy and Uniformity Commission. and immorality and heresy. It consisted of forty-four members. Another act enabled the queen to appropriate the temporalities of sees as they fell vacant. First fruits and tenths were again bestowed on the Crown. The religious houses and orders were dissolved and their lands confiscated. Parliament

Thus the church was nationalised. Every member of the state was to be a member of the church. The national church claimed the right of determining its own faith, ritual and organisation, though faith as such was not defined and the coercive jurisdiction in religious matters was left to a large extent in the hands of bishops and their officials of the High Commission Court. The authority of this court came in virtue of the Royal commission and not from any episcopal authority. The church retained many of its functions. The clergy could still tax themselves in the

granted her tonnage and poundage for life.

convocation but before they could be made to pay, the grant had to be embodied in a parliamentary statute. Chapters could elect bishops but they had to elect royal nominees. The convocation could define new heresies but before any one could be punished for it, parliament had to sanction the law of heresy. The church could make new canons with royal consent, but in order to be binding parliamentary sanction was necessary. The Book of Common Prayer was issued as a schedule to the Act of Uniformity; parliament authorised it before it could be enforced. Thus parliament and the crown acquired the power of determining the course and limits of church activities. The church became dependent on the state and a department of the state. The conception of the state became coterminus with and included the whole life of the people.

The crown came to claim and possess undisputed sovereignty over church and state alike and this sover-

Royal Supremacy.

eignty was considered to be indivisible. Elizabeth, however, exercised her powers moderately and with discretion and adopted a middle way. She did things gradually according to needs. Royal Supremacy was established over the convocation and the whole episcopate. Under her religious settlement there was no liberty of worship but there was no inquisition also. The bishops who refused to conform were only deprived of their offices and placed under restraint. Later, in her reign when there were Jesuit and Roman Catholic plots and papal bulls, Roman Catholics were persecuted and crushed. Puritans, however, continued to grow.

The Reformation gave the crown a new and tremendous power. It was an undefined power. The notion underlying it was that of 'jure divine' monarchy. The crown was in some sense the heir of the papacy. No doubt, the crown possessed supreme political power but it was limited by the Magna Charta and the Common Law. But the new power over the church was unlimited. The clergy became a bureaucracy under

the crown. The crown captured the church. Elizabeth refused to hear anything from parliament about ecclesiastical matters.

The relation of the church and the state before the reformation was based upon the Roman Catholic

Relation of the church and the state before the Reformation.

view, namely, that the priest was a divinely appointed and the prince was a divinely tolerated power. The medieval view was that the

ideal form of government was theocracy, that is, government by the church. But the state had become a

Roman Catholic

necessary institution to fulfil the functions of a policeman. The state therefore existed as a secular arm

of the church. The prince was intended to carry out the dictates of the priest. The state was tolerated as a necessary evil to be got rid off when men reached the stage enabling them to dispense with it. The church itself was regarded as the societas perfecta, distinct and independent from the state. It was a real body politic with its own means of jurisdiction and with its own organisation. Thus the Roman Catholics held the political along with the spiritual conception of the church. It possessed its own means of govern. ment complete in itself. It regarded itself superior to the state. This led to a conflict between the state and the church as we have seen under the Normans and the Angevins. The church more or less remained independent and was under the supremacy of Roman papacy. The statutes of Provisors and Praemunire passed in the fourteenth century kept up the spirit of ecclesiastical independence in England. The English kings were opposed to the political conception of the church.

After the Reformation the main change which took place was the transference of the allegiance of the After the Reformation. human spirit from the clerical to the civil authority. It created the idea of the modern state in which the state was considered to be the supreme sovereign power over all persons

and bodies. The Lutherans regarded the church as an invisible body, that is, the invisible collection of the faithful which did not possess any Lutheran view. visible organisation or any means of jurisdiction of its own. They disbelieved in the political claims of the state. Instead of the Catholic view that the state and the church were different in essence, they held that the church was nothing but the religious aspect and department of the state. The state was superior to the church. There could be no antagonism between the church and the state. The church ceased to aim at independence of the state and became a bulwark of loyalty to it. It preached the doctrine of divine right of kings, that is, that the king was appointed by God and that he represented Him on the earth, was responsible to him above and could only be removed by him. In short, obedience to him was a religious duty and resistance to him was in no case justifiable because it would be resistance to God. Thus the church became a strong supporter of monarchy. The Calvinists' view of the relations of the church and the state approximated to that of Calvinist view. the Catholics. They held the political conception of the church, that is, they considered it a visible society with its own means of government. They claimed the independence of the church as greatly as did the Catholics. The prince or civil magistrate was not to exercise powers or jurisdiction in church

In 1563, Elizabeth's second parliament met. It asserted its privileges by extending immunity from arrest for debt to member's servants.

Act against Romanists.

The Council of Trent in its last session of 1562 had condemned the outward conformity of the Catholics which they had been giving. Therefore an act to repress Romanists was

matters. The church was either to be fully sovereign

in all matters or was to be completely distinct and

independent society over against the state. The church

was not at all to be subject to the state.

passed, providing penalties of Praemunire. The oath of supremacy was made compulsory on all present and future ecclesiastics, school masters, teachers, barristers, attorneys, officers and members of parliament. A second refusal by them was made high treason. This parliament also passed a poor law, and regulated the conditions of labour and apprenticeship. It empowered the Justices of the Peace to settle labour disputes and to fix wages, minimum hours of work and imposed heavy fines for giving and receiving higher wages. In the same year the convocation drew up thirty-nine articles which were a revision of Cranmer's forty-two articles reduced by three. The articles as a whole avoided extremes.

In 1564, many London clergy left the church rather than obey the Act of Uniformity. Archbishop Parker enforced the new system on Catholics extreme Prostestants and Advertisements. Catholic laymen who refused to attend were called Recusants. In 1566, Archbishop X Parker published a book of Advertisements to the clergy at the instigation of Elizabeth. She wanted to stop the deviations of many of the clergy from the uniformity prescribed by the statute. These were connived at by several of the bishops who sympathised with the Puritan party. The book contained strict regulations for their discipline and tried to enforce the general use of surplice or vestments. Many London clergy puritanically inclined resigned over the question of vestments. Their licences to preach were revoked and their leaders were ordered to prison. The lay puritans who abandoned the churches began to form separate conventicles or clandestine meetings. They were however suppressed in 1567 and their members imprisoned.

In 1566, parliament proposed that Elizabeth should marry and decide about the succession. She, however, at first twice prohibited parliament from debating about these matters but on the House of Commons demanding its freedom of

discussion she revoked her prohibition. The questions of marriage and succession, however, remained unsettled. In 1567, the House of Commons called in question the queen's grant of patent and monopolies, but nothing was done. It also refused to authorise thirty-nine articles passed by the convocation. They were however agreed to in 1571.

These changes in religion, the increase in the power of the sovereign and the rise into power of a new nobility disturbed the mind of the Revolt of the North. conservative and orthodox sections of the community. The crisis came when there took place, in 1569, a conspiracy of Thomas, Duke of Norfolk, against the queen and a revolt of the north under the Earls of Northumberland and Westmoreland for restoring old religion. They were against the policy of centralisation of the state and of the nationalisation of the churchholders of medieval franchises and resented their absorption into a uniform national system. Ancient nobles disliked monarchy served by upstarts or new men who acted independently of their advice. The arrival of Mary, Queen of Scots, into England in 1567 revived the hopes of English Catholics. The Duke of Norfolk thought to marry her and therefore was arrested and imprisoned. The revolt of the north was a rising of the Catholics. Its objects were to restore catholicism, to obtain recognition of Mary of Scots' claim to the throne and to establish friendship with Spain. There was also discontent in the country. The destruction of monasteries and the transference of their lands to absentee courtiers had increased unemployment and poverty. But there was no unity of aim and action amongst the rebels. The rebellion was firmly put down and the hopes of Catholics were shattered.

In 1570, the Pope Pius V issued his Bull of Excommunication against Elizabeth and released her subjects from their allegiance. The Catholic persecution. result was a complete breach with Rome. Catholics had now to choose between the Pope

and their Queen. They, being papalists, henceforth came to be not merely considered opponents of the established religion but also suspected of disloyalty to the Queen. Uptil now the powers of coercion entrusted to the crown by parliament in 1559 and 1563 had been tempered in execution. The oath of supremacy was not rigidly enforced and the fines for recusancy were not extorted. Catholics, however, began to show disloyal activity after the excommunication. In 1571, parliament therefore passed an act which made it treason to impugn the Queen's title. Another act forbade Roman methods of devotion, reconciliation to Rome, and the publishing of Papal Bulls in England under heavy penalties. In 1572, there was the Ridolfi plot. Its aim was to get Mary of Scots married to the Duke of Norfolk and to place her on the throne of England. Norfolk who was already in prison was executed. The old independent nobility could not live under the new centralised monarchy. Exclusive loyalty was expected from it to a single centralised and national monarchy. From 1570 to 1588 when the Armada was defeated, there went on severe persecution of the Roman Catholics. They indulged in plots of assassination of the Queen and of conversion of the country under the guidance and propaganda of the Jesuits and Catholic seminary priests who came to England during this period. The people were devoted to the queen because she stood between the Pope and national independence in religion and politics. They supported her strong measures against Roman Catholics and foreign machinations. Catholic priests and Jesuits fomented opposition and discontent. The Jesuit attack was led by Campian and Parsons who came in 1580 to reconvert England. They prevented the extinction of Catholicism in England and endangered Elizabeth's life and her religious settlement. In 1581, the Recusancy law was passed imposing the penalty of high treason for converting to or accepting Roman Catholicism. The mass was absolutely forbidden and attendance at church was made compulsory under heavy fines. This law was

rigidly enforced against Catholic recusants. Edmund Campian and a number of Roman Catholics were executed. They had plotted to assassinate Elizabeth, to bring foreign help and to liberate Mary of Scots. In 1583, occurred Throgmorton's plot to assassinate the Queen. In 1584, an association was formed to protect the life of Elizabeth and a fresh act was passed against Jesuits and Seminary priests, and other priests banishing them all who would not submit and take the oath of supremacy and prohibiting their return on pain of treason. The queen was given great powers to punish all participants in plots and to exclude them from succession. In 1586, there was the Babington plot to kill Elizabeth and to place Mary of Scots on the throne. Mary had now become a greater danger to Elizabeth's life than ever. She was proved to be implicated in the Babington's plot. She was, therefore, tried, condemned and executed in 1587. After the defeat of the Spanish Armada in 1588, Philip's ambition of conquering and reconverting England was frustrated, and all foreign danger to the English throne, state and church from papal emissaries and bulls, from Mary Stuart's claims and partisans and from Philip's ambitions ended. It was only in 1593 that there was felt the necessity of a fresh law against " Popish Recusants". Catholic martyrs under Elizabeth amounted to a considerable number. They believed in Papacy, and this was construed into treason.

After the suppression of Puritan conventicle in 1567 and the attempt to enforce the act of uniformity against extreme Protestants under Parker's Advertisements, the advanced Protestants split up into three divisions. There was a party of Puritans within the church who were not opposed to the form of the established church but to the details of service, such as the wearing of surplice, the cross in baptism, the ring in marriage and the kneeling posture at the communion. They wanted

to do away with superstitious ceremonies. This section was powerful in parliament. Then there were the Presbyterians who attacked the episcopal system of church government and not merely details of service. They supported the church governments by assemblies of presbyters and by elders and asserted its independence of the state in spiritual matters. Lastly came the sectaries or separatists who held that each congregation of believers was a separate and complete church and had the right to govern itself in matters of doctrine and in other religious affairs. Some of these sects came to be known as Borownists or Barrowists or Independents in the seventeenth century and were intensely democratic and republican. They were for toleration in matter of faith.

The Puritans acquired strength because of the prevailing hatred and dread of Popery and of the disgust with their persecution by bishops. They remained in the church, but wanted further reforms and denied the authority of the queen to enforce the wearing of vestments. The controversy was at first therefore merely vestiarian. In 1571, Strickland, a Puritan, proposed to

Vestiarian controversy and the rise of English Presbyterianism.

amend the Prayer Book and was forbidden by the queen to attend parliament. Thomas Cartwright. the Lady Margaret's professor of

divinity, at Cambridge, who was a Puritan began about 1570 to advocate Presbyterian form of church government. In 1572, he published his Admonition to the parliament calling on it to reform the various abuses in the church. He was expelled from Cambridge. The Dissentients finding the obnoxious rites being enforced rigorously began to consider the national system of episcopacy as faulty in itself. They began to form secret conventicles, because open preaching was not allowed. They came under the influence of Geneva. Thus the vestiarian controversy developed into a controversy about rites, doctrines and church government. Eventually the crown itself which supported the episcopal form of church government came to be attacked.

They denied the royal supremacy over the church and later on joined the movement against monarchy. Thus came into existence the English Presbyterianism They wanted their form of church government only and they did not believe in toleration. In the religious discontent of the Puritans lay the seed of political liberty because it contained the germ of opposition to the crown. After 1571 the English church and state had to meet unitedly the danger both from Roman Catholics and Puritans.

In 1576, Grindal became the Archbishop of Canterbury, but he was somewhat favourable to non-conforming ministers and therefore was suspended from his office for not suppressing Puritan teaching. He died in 1583. After him came Whitgift as the Archbishop of Canterbury. He carried out the persecution of

Puritans and enforced conformity Archbishop Whitgifts' strong policy rigorously. In 1583, the Court of against Puritans. High Commission was re-established. The number of commissioners was reduced from 73 to 44 but their powers had already been increased in 1576. Whitgift made the court more efficient. He laid down twenty-four articles for its guidance. It became very inquisitorial. He prohibited all preaching, reading or catechising in private houses and insisted on the subscription to the Queen's supremacy, the lawfulness of the common prayer and ordination service, and the truth of the whole thirty-nine articles being exacted from every minister of the church. The Puritan opposition was seen in the Martin-Marprelate's

Martin Marprelate's lous tracts on bishops. They attacked the episcopal system of church

government and the supremacy of the queen in church matters. They were therefore declared seditious. The controversy lasted till 1590. Penry and Udal suffered for them. The Puritans had grown bolder after the foreign danger was over. Owing to the exclusion of the Roman Catholics from the House of Commons because they would not take the required oath, the Puritans predominated in the Lower House which in consequence

was much opposed to their persecution. Parliament wanted penal laws only against Roman Catholics. They began to form puritan associations to discuss their form of government. The law of 1593, which penalised persons who should wilfully abstain for a month to repair to some church, fell heavily upon Separatists as upon Recusants. Persecution went on till the end of the reign. The political result of the persecution of the Paritans was that from being a sect they grew into a party and began to hate both the church and the crown.

. The ecclesiastical supremacy under the Elizabethan episcopal polity meant the right to visit and

of ecclesiastical supremacy and organisation. correct abuses and to control ecclesiastical legislation, taxation, appointments and jurisdiction. Parliament had the right to legislate for

the clergy subject to royal assent. There were however certain limits upon this right. The Act of Supremacy made it necessary where doctrine was concerned that the clergy should assent. In 1572, Elizabeth went beyond this, for she would not allow ecclesiastical bills to be introduced without the sanction of bishops. In 1593, the Speaker of the House of Commons was forbidden to receive bills meddling with the reform of the church. The canons passed by the convocation were only valid if they received the royal assent. The crown even decided the subjects to be discussed by the convocation. Parliament did not object to the legislation of the convocation so long as the clergy legislated for themselves and not for laymen. The ordinary ecclesiastical revenues of the crown were drawn from the first fruits and the tenth which had been transferred to it in 1534. Occasionally convocation voted extra taxes like subsidies or benevolences when parliament voted them. Ecclesiastical appointments were now completely in the hands of the crown under the act of 1534 which instituted the system of congé d'élire, and made the clergy dependent on the crown and its strong supporters. Church courts dealt

with not only spiritual causes but also with temporal causes such as marriages, wills, perjuries, heresies, immoralities. Their sanctions were based on greater or lesser excommunications. The greater excommunication cut a man off from the society of christians and the lesser cut him off from the society of the church. In addition there were some civil disabilities imposed such as, inability to receive a legacy or to bring a law-suit. The smallest court was that of the archdeacon, next, that of the bishop and finally that of the archbishop. The crown controlled the church courts, because corporal punishment could only be executed by the aid of temporal power. An appeal lay from all the church courts to a court over which the church had no control whatever. This new court was established in 1534 and was called the High Court of Delegates. Its members were appointed by the king. It was the supreme court of appeal in ecclesiastical matters. The Act of Uniformity (1559) fixed the national religion and the rules and forms of national worship. It revived with very few changes the Second Book of Common Prayer of Edward VI. This was supplemented later by thirty-nine articles (1571) whose object was to make more definite the doctrine of the church, by the Injunctions of 1559, by the Advertisements of Parker of 1566, and by the Articles of Whitgift of 1583. The act made the rites and doctrines of the church dependent on parliament's sanction because they affected also the laity of the country.

The High Commission Court which was established in 1559, strengthened in 1583 and abolished in 1641, was a special machinery created to maintain the ecclesiastical supremacy of the crown and the uniformity in doctrine and in forms of worship. It superseded the ordinary jurisdiction of the church courts. Henry VIII had been given the power to appoint commissioners to inquire into heresy, but this court in its permanent form was created in the reign of Elizabeth. The Act of Supremacy (1559) gave Elizabeth power to

nominate commissioners who were to exercise the ecclesiastical jurisdiction of the crown. Accordingly in 1559 she issued a commission to the Archbishop of Canterbury, the bishop of London and seventeen others, mostly laymen, all of whom were to form an ecclesiastical court. Every time there was a new archbishop, a new body of commissioners was appointed. Hence the first one was in 1559, when Parker was archbishop, another in 1576 when Grindal succeeded and a third in 1583 when Whitgift came. Its jurisdiction extended as a rule to the province of Canterbury, but it could act throughout England. There was another court in the north. Occasionally there were commissions for different dioceses. It enjoyed wide powers. Its functions were to maintain both the Acts of Supremacy and Uniformity. At first it was not unpopular because it turned its attention towards the Roman Catholics, but later on when it tried to force the Puritans to conform, it became extraordinarily unpopular. It made the accused take the ex-officio oath, and thus forced him to accuse himself by answering all questions truly. This practice was based on the Canon law and was repugnant to the Common law. The Act of Supremacy did away with the authority of Rome but it did not give the crown strictly spiritual powers. Elizabeth had no power to condemn any doctrine as heresy. She was the supreme governor of the church. This really meant only the political and not the spiritual headship of the church.

The problems which created differences between the queen and parliament were those relating to matters of her marriage, determination of Third Period. succession to the throne, changes in The Crown and Parreligion and interference in their matters of dispute. privileges. They were not so much concerned with the powers of taxation or the control of administration and legislation as a whole

In the parliament of 1571 the queen admonished the commons at the beginning of the session to "meddle

with no matters of state but such as should be propounded into them", and at the

end she rebuked them for "meddling Religion and succession. with matters neither pertaining to

them nor within the capacity of their understanding." These were matters of the church rather than of the state. The commons wanted to complete the Reformation but she would not allow them to interfere in her royal prerogative by passing a parliamentary statute to determine thirty-nine articles. The House of Commons had to pass them in the form they were put before them. After the Strickland's bill for reformation of the Common Prayer in 1571, Elizabeth sent a message to the House of Commons in 1572 that "no bills concerning religion should thenceforth be preferred or received into that House unless the same had been considered and liked by the clergy". Mr. Yelverton, a member of the House, had maintained (1571) that all matters not treasonable, nor too much to the derogation of the imperial crown, were tolerable there where all things came to be considered, and where there was such fulness of power as even the right of the crown was to be determined, which it would be high treason to deny. Princes were to have their prerogatives but yet to be confined with reasonable limits. The queen could not of herself make laws, neither could she break them. Mr. Bell had also asserted that the subsidy should be accompanied by a redress of grievances. In the parliament of 1572 Elizabeth would not allow the discussion of excluding from succession Mary of Scots. In 1576 Peter Wentworth spoke boldly against her arbitrary encroachment on their privileges of free speech and debate, for example, in matters of religion and succession. In 1581 the chancellor admonished the new speaker when he was being confirmed that the House of Commons should not intermeddle in anything touching Her Majesty's person or estate or church government. Several bills relating to religion were introduced in the session of 1884-1885.

In 1588, Mr. Cope offered the House a bill annulling

all laws respecting ecclesiastical government then in force and a book establishing a new form of common prayer. The speaker prevented it being read. Peter Wentworth put some questions regarding this interference of the speaker and the powers and privileges of the House, namely, whether members could not speak freely on all subjects, whether any body but parliament could alter the laws and whether the queen was independent of parliament. The speaker did not read them to the House. Both Mr. Cope and Mr. Wentworth were committed to the Tower. In 1589, the speaker received an admonition that the House was not to extend its privileges to any irreverent or misbecoming speech. In 1593 the speaker was told by the Lord Keeper that its privilege of free speech was granted "but not to speak every one what he listeth, or what cometh into his brain to utter; their privilege is aye or no". Her Majesty's pleasure was that the speaker was not to accept any bills "touching matters of state or reformation in causes ecclesiastical". Mr. Wentworth who brought a bill for the settlement of succession and Mr. Morice who presented a bill for reforming the abuses of ecclesiastical courts were both committed to prisons for approaching the House of Lords with a view to a joint petition for the settlement of the succession. Her admonitions not to abuse the freedom of speech were repeated in the parliament of 1597 and 1601. In every parliament of Elizabeth the House of Commons was very much devoted to the Protestant interest. This as well as an apprehension of disturbance from a contested succession led it to discuss these matters in every session and to request her to choose a husband or to settle the succession after her in favour of a Protestant line. Elizabeth, however, either prohibited the discussion or artfully evaded an answer. She did not marry nor limit the succession.

The government of Elizabeth had to look after the various needs and aspects of the people's life and social legislation: consequently a number of measures of social and economic importance

were passed in parliament. It recognised the state obligations towards the poor in 1572 and organised a national system of poor law for the sake of the unemployed. The state at first used to appeal to private charity in order to solve the problem of vagrancy and destitution. This was stimulated by the persuasions of the church and the justices of the peace. But later on it authorised coercion and levied poor rates. . The Poor Law of 1601 which amended earlier acts ordered that in each parish the church, wardens and two to four overseers should be empowered to levy a poor rate and use it for giving work to ablebodied persons out of work, for relieving the deserving but destitute poor, for building houses of correction and for apprenticing pauper children. Formerly churches and monasteries used to afford relief to the poor by giving alms, provisions and lodgings with much indiscriminate generosity.

In 1574 she appointed a commission for the manumission and enfranchisement of villeins with all their

wives, children, goods and property.

She declared that from the beginning God created all men free by nature and stated "we moved by piety have manumitted and made free and liberated from every yoke of servitude and servile condition A, B, C, D, etc." Some compensation was paid to lords but she did not take any.

In order to regulate the work of labourers and apprentices the Statute of Apprentices or the Statute of Artificers was passed in 1563. Both tillage and organised industry were in a bad state. Previously agricultural labourers had no work owing to the increase of sheep-pastures, but now the fields had no labourers for harvesting. Old corporate town were also falling into decay. The large villages and small market towns were being crowded by artisans who wanted to escape the rigid rules of industry as organised in corporate towns. It enacted that all able-bodied workmen were to work in

the fields if required and no exemptions whatever were to be granted in harvest time. But these labourers and servants were to be hired at least for a year at a time. All apprentices were to observe the custom of seven years' service. Heavy penalties were imposed on masters who paid and on men who took more than the statutory amount. The hours of labour and rates of wages were fixed. The duty of settling disputes was laid upon the Justices of the Peace. Thus state regulated agricultural and industrial conditions of work, and also internal and external trade. There came into existence a central national organisation in all these matters in place of local and sectional organisations of functional groups. Just as the centralised state had destroyed feudal franchises and local liberties in political organisation, so now it destroyed separate ecclesiastical organisation and jurisdiction in church matters and itself organised social and economic life.

Though the theoretical control of parliament was recognised in matters of taxation by the crown still it

Royal sources possessed certain definite sources of

revenue independent of parliamentary control. The revenue of the Tudors was drawn primarily from the income of the royal estate, from the feudal rights of wardship, marriage, reliefs, aids, escheats and distraint of knighthood, from the Star Chamber and recusancy fines, and from the ecclesiastical first fruits and tenths. Another source was the indirect taxes levied on imports in the shape of tonnage, that is, roughly three shillings for every ton of wine that was imported, and of poundage, that is, twelve pence on every pound worth of goods imported or exported. These were however granted by parliament at the beginning of the reign usually for life and were subject to parliamentary control. Further sources were the extraordinary taxes called subsidies of tenths and fifteenths granted by parliament for a definite purpose and for a definite number of years. Impositions or additional duties, benevolences and loans, and proceeds from the sale of patents and monopolies were

generally disputed items. The crown asserted its prerogative and prescriptive right, and parliament its sole right of taxation, as it did not want the king to become financially independent and consequently absolute and free of control in its administration. Elizabeth's early frugality had accustomed her subjects to low taxes. But her demand increased in all her later parliaments which granted her large subsidies. In 1567 the Commons had called in question the queen's grant of monopolies. In 1597 an address on monopolies was presented to Elizabeth. She promised to remedy the abuse. In 1601 there was a debate in parliament on the question of monopolies.

Under the Tudors the practice of granting the rights of exclusive trading became enormously great. They

Nature of mono- dividuals and sometime to companies the exclusive right of selling some particular article. In this way some very necessary articles like salt, coal, leather became the subject of monopolies. In the quarrel about monopolies both the sides were agreed that original inventors or persons who introduced inventions from foreign countries ought to be privileged. No attack was made on them. The primary object of many other patents was to supervise their manufactures and commerce, and it was also expected that they should be controlled by men who would make themselves responsible for their proper working. It was on this principle that the Tudors and later on the Stuarts established trading companies. They gave the sole right of trading in some particular part of the world to one company. Similarly in England the right of trading in some particular article or of manufacturing it was given to an individual in order that he might supervise it and see that the wares sold were of good quality, that the artisans employed received a fair wage and that the price paid by the consumer was a fair one. Nevertheless, monopolies of this character were very unpopular, and they were held to be illegal because they encroached upon the rights of the subjects to exercise his own trade freely. They were also largely unpopular because they were held to be a source of extra-parliamentary revenue. They came to be hated because of the oppression and fraud by the patentees. They charged exhorbitant prices for wares of inferior quality manufactured by unpaid or low paid artisans. In 1601 Elizabeth yielded. She revoked every patent in force. Most of these patents had been given recklessly to courtiers. Her speech to parliament on this occasion showed that she cherished in her heart the people's good and was not insistent on her prerogative rights. The regulation of monopolies however still remained a matter of prerogative and did not become one of parliamentary statute till 1624.

In 1602 there was a case of monopolies. One Darcy who held a sole patent for the exclusive importing and making of playing cards sued against Allein for making them. It was held that grant of a monopoly was void as against both common law and statutes and also as against public policy and that the dispensation was against law. The king may dispense with particular persons, but may not dispense for a private

gain with an act passed pro bono publico.

Elizabeth though a woman of self-will possessed tact and knew when to give way. Therefore there was no permanent antagonism between her and parliament. She gave the people security, peace and independence.

She loved her country intensely and was popular.

Parliament was a weak body when Henry VII ascended the throne. This weakness was due to the fact that it had become discredited by its failure under he Lancastrians in preserving law and order when it possessed great powers of controlling the administration. The House of Lords was enfeebled owing to the slaughter of a number of nobles in the Wars of the Roses and those who survived became mere courtiers. The decline of the Commons was due to the limitation of the county franchise in 1430 to forty shillings free-holders. Boroughs regarded parliamentary

will.

representation as an irksome obligation because they were required to pay their members, wages.

Parliament owed its strength and influence very much to the Tudors. They were anxious to be in touch with

the wishes of the people. Their Parliament under the own interests required the support of the people. Hence they used parliament to find out their wishes and to get their support. They admitted the House of Commons to a preponderating influence in parliament. Under the Lancastrians the House of Lords had more weight. The Tudors extended the sphere of the House of Commons by seeking their authority and sanction for all their measures and by consulting them on all important questions. It became the instrument of their arbitrary government. It gave them the Star Chamber, the Council of Wales, the treason and heresy laws, the bills of attainder, the Lex Regia, the ecclesiastical supremacy, the property of monasteries, religious orders and associations, the Reformation, the penal laws, the High Commission Court, the Anglican Church Settlement and passed a number of other measures in their favour. There was no serious conflict between the monarchy and parliament. During the reign of Elizabeth there was some difference and opposition on questions of marriage, succession and religion. She would not allow it to discuss these questions and thus interfered with their freedom of speech and discussion. In the later years of her reign there was little to choose between her parliaments and those of James I except that she knew how to yield with grace to the opposition as she did in the matter of monopolies. The opposition also felt re-

The House of Commons was partly packed with king's men, for the ministry took much pains with

verence for her on account of the glories of her reign in

maintaining the country's independence and security, in

saving her from foreign perils and in promoting her

economic development, and therefore submitted to her

elections and was partly inclined to please the sovereign. It was not regularly forced. The crown influenced its composition by creating new representative boroughs

whose prosperity had increased in Composition of the order to counterbalance the country House of Commons and royal interference. gentlemen. Edward VI created fifty and Elizabeth sixty-two new ones. Henry VIII took personal interest in the composition of the Reformation parliament and went there to make a speech so as to influence it. Elizabeth also tried to do the same through her messages. The crown had also great influence in choosing the speaker who was told what the nature of the privileges of parliament was to be. The Commons were forbidden to discuss certain matters of state. So far they were coerced or influenced. Yet parliament was not a servile or submissive or dumb assembly. Hallam observes with regard to Elizabethan parliaments, "if many of its members were but creatures of power, if the majority was often too readily intimidated, there was still a considerable party, sometimes carrying the House along with them, who with patient resolution and inflexible aim recurred in every session to the assertion of that one great privilege which their sovereign contested, the right of parliament to inquire into and suggest a remedy for every public mischief or danger". Elizabeth's prohibition did not stop the members declaring their views on matters of state and religion. She could not resist the attack on monopolies. It had refused to vote the restoration of abbey lands under Mary.

Thus the House of Commons rose in importance. There was no reluctance on the part of the members to attend. Boroughs came forward to be represented. The sons of peers began to sit there. The payment of members ceased. The House of Commons vindicated its right of initiation of taxes against the House of Lords. It asserted and gained a number of privileges, such as freedom of speech, the right of deciding disputed

elections and the right of expelling members. The Tudors exercised their dictatorship with the willing help and cooperation of parliament. They did not base it on any theory of despotic power. It was in the interests of the people and of law, order and good government. It was supported by lawyers, traders, merchants and new nobility and country gentry. The Tudors used the forms of the constitution to carry out their will. Parliamentary powers and functions were kept in operation and increased. Parliament was thus associated in all what they did. Its position in the constitution became marked and was made secure.

The parliamentary privileges were for the first time clearly formulated in the sixteenth century and were with one exception of freedom of speech confirmed. Firstly, the freedom of access to the sovereign was held to be the right of peers individually. The members of the House of Commons enjoyed it only through their speaker. Secondly, the right of freedom from arrest was secured to the members of parliament and their servants except in cases of treason and felony during the session of parliament and for a certain time before and after it. This privilege had been admitted under the Plantagents but generally the member who

burgess, in going to the parliament house was arrested in London by a process out of the king's bench at the suit of one Mr. White as a surety for debt and condemned. The House of Commons on being informed of it ordered its sergeant to demand delivery of the prisoner but he was forcibly resisted. The House of Commons laid the whole case before the upper house through their speaker. The contempt of the privilege was judged there to be very great, and its punishment was left to the order of the

was arrested was released by an act of parliament or by

a writ of privilege from the chancery In 1543 in

the case of George Ferrers the House of Commons took

House of Commons. The lord chancellor had offered to grant a writ of privilege which the Commons refused as they believed that all its commandments were to be done and executed by their sergeant without writ, by show of his mace, which was his warrant. Upon sergeant's second demand the prisoner was released. The sheriffs and clerk of the city were charged with contempt and misdemeanour and were committed to prison. The king affirmed this privilege and procedure in the case of members as well as their servants. In spite of this precedent the privilege was violated in

Smalley's case in 1576. Smalley was a member's servant who had fraudulently procured his arrest in order to get rid of his debt. He was released on the sergeant's making a direct demand for his release. But by this suspending of all civil and private suits against their members and servants, says Hallam, the Commons gave too much encouragement to needy and worthless men who sought their walls as a place of sanctuary.

Thirdly, parliament claimed the right to detremine all questions of membership of the House. An act of

3. Right to determin election returns and disputes.

1406 had made the returns to writs of parliamentary elections returnable to the chancery, but during the course of the fifteenth century ques-

tions arising out of the writs were determined by the king and lords. It was not till the reign of Elizabeth that the House of Commons first claimed the right of settling these questions for themselves. In 1586 the House of Commons passed a number of resolutions on

Norfolk election case. the Norfolk election case. On account of some irregularity in the first return, the chancellor had issued a second writ for this county and a different member had been elected. The House resolved that the discussing and adjudging of this and such like differences only belonged to the said House, that though the lord chancellor and judges were competent judges in their proper courts, yet they were not in parliament and that merely the resolution

of the House was sufficient to decide the matter of election dispute. If they allowed the King or King's court to settle all disputed elections, they would loose their independent position, for it would be possible for the king to fill the House of Commons with his own nominees. Hence they claimed the right of examining returns and deciding disputed elections.

Fourthly, the right of punishment and expulsion of members was exercised in a number of cases. In 1548 John Storie was ordered to be 4. Right of punishcommitted to the custody of the ment and expulsion of sergeant of the House. He had members. used disrespectful language towards the House and the government of the Protector, being a zealous opponent of the Reforma-Storie's case. tion. He was committed to the Tower but on his submission the House resolved "that Mr. Storie be enlarged at liberty out of prison." Under Queen Mary, Storie again fell under the censure of the House for disrespect to the speaker. Similarly Thomas Copley in 1558 was committed by Coply's case. the House to the custody of their sergeant for disrespectful words towards her majesty. The leading case however is that of Hall in 1681. Arthur Hall was expelled from the House Hall's case. for having published a libellous book "derogatory to the general authority, power and state of this House and prejudicial to the validity of its proceedings in making and establishing laws". He was disabled from sitting in the House. The right of expulsion was again exercised in the Parry's case. case of Dr. William Parry for denouncing as "cruel and bloody" the bill to inflict the penalty of death on Jesuits and seminary priests. In

1571, the House imposed a fine upon the borough of Westbury for receiving a bribe of four pounds from Thomas Long who was the member returned. The briber, Long, was however neither expelled nor otherwise punished.

Fifthly, the Commons asserted their right to originate money bills which they had acquired in 1407.

In 1593, the Lords tried to encroach 5. Right to originate upon this right of the Commons. money bills. The upper House sent a message

referring to the Queen's want of a supply and requesting that a committee of conference might be appointed. The lords wanted to grant not less than three subsidies while the Commons wished to give only two. Francis Bacon stated that the custom and privilege of the House of Commons had always been first to make the offer of the subsidies from itself, and then it went to the upper House.

6. Freedom of speech.

soned for his bill.

Strode's case.

Elizabeth's interference.

Sixthly, there was a constant friction over the right to freedom of speech especially during the reign of Elizabeth. In 1512, a member called Richard Strode was impri-An act was passed declaring the proceedings void. This was statutory recognition of this right. Elizabeth made a serious attempt to restrain the freedom of speech upon the principle that the sole business of parliament to vote supplies of money and to register without discussion her decisions as

explained to parliament by her ministers. She sent messages and admonitions to that effect either to the speaker or to the House forbidding discussion in 1566 about her marriage and the question of succession, in 1571 about religion when Strickland introduced a bill, in 1572 also about bills in religion and succession, in 1581 about anything touching her majesty's person or estate or church government, in 1589, in 1591 and later on about the same matters. The Commons however kept on asserting their right to discuss matters of religion, succession, trade and foreign policy which Elizabeth regarded as coming with her royal prerogative.

The civil government of Elizabeth was in a number of cases arbitrary. Civil liberty of the subject Civil government and civil liberty under Elizabeth. openly according to known laws truly interpreted and evidence fairly constructed, and if the right of parliament to inquire into and to obtain redress of public grievances was fully admitted. Hallam says that "the courts of justice in cases of treason and other political offences were little better than the caverns of murderers."

Government's jury were all guilty of serious irregularities, illegalities and iniquities.

Persons were convicted on flimsy or false evidence under

the influence of the executive. There were illegal commitments. People were arrested without any pretence of legal warrant and arbitrarily detained. The writ of Habeas Corpus was of no avail, There was however a protest (1591) against these acts of the Privy Council by the justices of both benches and barons of the exchequer. It stated "we do desire your lord-

ship (the Lord Chancellor and the Protest of judges. Lord High Treasurer) that by your good means such order may be taken that her higness's subjects may not be committed or detained in prison by commandment of any nobleman or councillor against the laws of the realm, to the grievous charges and oppression of her majesty's said subjects," and "others have been committed and detained in prison upon such commandment against the law, and upon the queen's writ in that behalf, no cause sufficient hath been certified or returned." Finally they stated "we think that, if any person shall be committed by her majesty's special commandment (writ of her speciale mandatum regis) or by order from the council-board or for treason touching her majesty's person, is good cause for the same court to leave the person committed in custody. But if any person shall be committed for any other cause then the same ought to be specially returned." The judges also told the queen that she as well as they were subject to law.

The king in council issued proclamations unwarranted by law under the high notion of royal prerogative power and because of irregular and infrequent meetings of parliament to meet the various

exigencies of government. Under Elizabeth the crown claimed, as it were, a sort of supplemental as well as inherent right of legislation by issuing proclamations to carry out the spirit of the existing laws and to guard the public safety whenever it was thought to be in danger.

There were also restrictions on printing. The trades of printing and book-selling were put under supervision.

Restrictions on printing.

In 1566, there was an ordinance of the Star Chamber for the censorship of the press. Persons were prohibited from printing or bringing into the realm printed books against the force and meaning of any ordinance. Nor were they to sell, bind or sew any such books. Rules for search and penalties for offence were laid down, and

for search and penalties for offence were laid down, and every stationer, printer, bookseller was to enter into a recognizance of reasonable sum of money that he should truly observe all the said ordinances. Thus the Privy Council used to issue frequently proclamations to restrain the importations of books or to regulate their sale) At the instigation of Whitgift the Star Chamber published, in 1585, rigorous ordinances for the regulation of the press. Every printer was enjoined to certify his presses to the Stationer's Company under penalty. None was to print at all except in London and one in each of the two universities. The Archbishop of Canterbury and the Bishop of London were to regulate the number of printers, and their printing of books or other matters, and also the sale of books. The Stationer's Company was given the power to search houses and shops and

The forms of the common law, even if they were inadequate to protect fully the subject in state prosecutions served, however, as some restraints on the crown

executing its will in a summary fashion. In times of danger to the state the legal rights of the few have to be sacrificed for the security of all, and constitutional forms might be temporarily abandoned. During an actual rebellion the state has to proclaim in the interest

Martial law in peace

of security martial law which means suspension of the operation of the Common law and the ordi-

nary courts of justice and its normal judicial procedure. But Elizabeth, though justified in resorting to such a measure just before the Armada came in 1588, applied it in 1595 by issuing a commission when there was no overruling necessity to serve the purposes of her arbitrary power. It was a violent and illegal measure to introduce martial law in time of peace "to suppress speedily such notable rebellious persons by execution to death according to the justice of martial law". This was a very extraordinary supersession of the common law by a stretch of prerogative and had no adequate parallel. There were no riots or rebellions at the time.

There was generally no taxation without the consent of parliament. This privilege was asserted

Taxes raised with the dispute it. She did not levy any internal taxes arbitrarily. She was

frugal and did not demand any great supplies from parliament. But in the latter part of her reign there were a foreign war, a rebellion in Ireland and depreciation in the value of money. Hence her demands increased. She continued the old practice of sending privy seals to borrow money on the wealthy. These were forbidden by the statute of Richard but were not considered illegal. But the queen paid these loans, though compulsory, speedily according to the agreement.

There was some excuse for the despotic acts of the queen because of the perils which surrounded her person and therefore the crown, and the submission of the Commons was due to a deep conviction of

these perils which threatened the country's security and

independence and the religious settlement. Rebellions against the Tudors were sectional and local. The nation as a whole supported the new monarchy. Now in the country the monarch was the only dictator or despot. There were no others, feudal or ecclesiastical. Justice was administered without regard to the person of any big lord or priest. The Tudor system of government was a part of the needs of the country. It arose to meet them and it ministered to the aspirations of the people. Tudors established order and independence without which liberty was impossible. They weakened the local and social barriers which hindered the growth of a national spirit and eradicated foreign influences and perils which threatened national independence and security. Their ecclesiastical despotism was a legal despotism based on the great powers which parliament granted them. They recognised the legislative supremacy of parliament and its place in the constitution though the initiative lay with the crown and though there were some unsettled points about the prerogative powers of the crown.

Though some believed, after admitting that the common prepogatives of the crown have legal bounds, that there was a kind of paramount Tudor monarchy was sovereignty which they denominated a limited monarchy. her absolute power, arising out of its primary duty of preserving the state, still the Tudor monarchy was a monarchy greatly Hallam's opinion. limited by law, as Hallam says, but retained much power which was irregularly used and to check which there was no adequate machinery.

Onslow, the speaker of the parliament of 1566 addressed the queen "By our common law, although there be for the prince provided Speaker Onslow's many princely prerogatives and opinion. royalties, yet it is not such as the prince can take money or other things, or do as he will at his own pleasure without order, but quietly to suffer his subjects to enjoy their own, without wrongful

oppression, wherein other princes by their liberty do take as pleaseth them."

Archbishop Parker wrote to Cecil "he would not dispute of the Queen's absolute power or prerogative royal, how far her highness might go in following the Roman authority, but he yet doubted that if any dispensation should pass from her authority to any subject, not avouchable by laws of her realm, made and established by herself and her three estates, whether that subject be in surety at all times afterwards, especially seeing there be parliament laws precisely determining cases of dispensations."

The judges had also refused to obey the queen's command in the case of Mr. Richard Cavendish to whom the queen had granted an office for issuing certain writs under her prerogative because the command was against the law of the land, in which case no one was bound to obey such command. They said that the queen herself was sworn to keep the laws as well as they, and that they could not obey her command without going against the laws directly and plainly against their oaths and to the offence of God, her majesty, the country, and commanwealth in which they were born and lived.

Aylmer Bishop of London had stated (1559), "For first, it is not she that ruleth, but the laws, the executors whereof be her judges appointed by her, her justices and such other officers. Secondly, she maketh no statutes or laws, but the honourable court of parliament, she breaketh none, but it must be she and they together or else not."

Hooker in his Ecclesiastical Polity (1594) said "yet so is the power of the king over all and in all limited that unto all his proceedings the law itself is a rule. Law makes the king. What power the king hath he hath it by law.

The whole body politic maketh laws which laws give power unto the king.".

Lastly, there is the testimony of Sir Thomas Smith, Secretary of State to Elizabeth in his treatise on the Commonwealth of England pub-Smith's opinion. lished in 1589, "the most high and absolute power of the realm of England consisteth in the parliament .... That which is done by this consent is called firm, stable and sanctum and is taken for law. The parliament abrogateth old laws, maketh new, giveth order for things past and for things hereafter to be followed, changeth rights and possessions of private men, legitimateth bastards, establisheth forms of religion, altereth weights and measures, giveth forms of succession to the crown, defineth of doubtful rights, whereof is no law already made, appointeth subsidies, tailes, taxes and impositions, giveth most free pardons and absolutions, restoreth in blood and name as the highest court, condemneth or absolveth them whom the prince will put to that trial. And to be short, all that ever the people of Rome might do either in centuriatis comitiis or tributis, the same may be done by the parliament of England which representeth and hath the power of the whole realm, both the head and body. For every Englishman is intended to be there present, either in person or by procuration and attorneys, of what preeminence, state, dignity or quality so ever he be, from the prince, be he king or queen, to the lowest person of England. And the consent of the parliament is taken to be every man's consent."

The Commune Concilium we know developed into parliament of the assembly of estates, the clergy, baronage and commons, summoned in person or by their representatives to deliberate, advise and assist the crown in parliament. The Magnum Concilium came to be called the House of Lords and still is a council of the crown. The ordinary or continual council came definitely into existence in the fourteenth century

1.9

during the minority of Henry III. It included the great officers of the state. They carried on administration and acted as responsible advisors of the crown. Its constitution and powers were not well defined. It constantly attended the king. It was originally a kind of permanent committee of the common or great council. It dealt with the executive business and gave advise during the intervals between the meetings of the large assembly. Barons wanted to determine and control its composition and possess its powers. It soon became after the rise of parliament a distinct and strictly official body. Its members were not exclusively confined to the ranks of the baronage, clerical or lay, but commoners who were not necessarily members of the House of Commons were also appointed. Its members were sworn as councillors of the crown. It discussed questions of general policy and put them before parliament if necessary. The king performed his acts of state through it.

The powers of the continual council came to be defined as practically coextensive with the prerogative of the king during the minority of Richard II. Its business covered the whole field of executive action. Its members were appointed for a year but were usually again chosen. They were bound to attend the meetings and were paid for their services. In this period the independence of the council had rested on the presence of powerful nobles and great hereditary officials who could not be easily removed. In the fourteenth century the commons had tried to control the appointments of the council and to a certain extent they had succeeded between 1377 and 1422 but later on their attempts ceased. In 1404, under Henry IV the council consisted of 22 members of whom six were bishops, eight peers, seven commoners and the keeper of the Privy Seal. They were bound by a special oath of fidelity' and secrecy and received regular salaries of large. amounts. The council worked as a ministerial body and also acted as a check on the king's arbitrary powers. During the minority of Henry VI the council added to

its consultative functions those of a council of regency, and during this time it was nominated in parliament and by parliament. On the attainment of his majority by Henry VI this practice ceased and the council contained the nominees of the court. Under his weak rule the commoners and men of business decreased at the Council Board. Great lords of the Lancastrian side took their place, and the powers of the council increased at the expense of the crown. It became an irresponsible committee for the discharge of executive functions. The commons exercised only occasionally their right of impeachment as in the case of William de la Pole (1450). Its range of duties was practically coextensive with the powers of the crown. When the council contained great feudal lords as under the later Lancastrians, they acted as a check upon the king but when it contained men of business of no great birth or estate as under the Tudors the king used its powers irresponsibly.

The number of councillors soon became too large for effective administration and under Henry VI the more important and industrious members were formed into a select or confidential committee, called Privy Council, which alone exercised all the administrative functions previously shared with the other members of the ordinary council and were distinguished by the title of privy councillors. The oath of secrecy was now only exacted from the privy councillors. The ordinary councillors were no longer consulted on purely executive business. They however continued to take part in the judicial duties of the council.

Under the Tudors the large infusion of commoners changed the nature of the council into a purely official body exercising the whole executive and judicial power of the crown. In 1553, under Edward VI the ordinary council consisted of forty members of whom twenty-two were commoners. It was divided

for judicial and administrative purposes into six committees, one to deal with the civil, one with the criminal jurisdiction of the council, others for the state, for the revenue, for the collection of debts due to the king, and for the bulwarks. The most important of these was called the "committee for the state" or the Privy Council. It consisted of eleven noblemen, two bishops and seven commoners. Its numbers however varied. Its members were called privy councillors. The ordinary councillors were persons sworn of the council but not habitually summoned to the meetings of the Privy Council and were chosen mainly for legal or judicial purposes. During the reign of Elizabeth the members of the council were few and held high offices. It was in effect a cabinet council.

The Privy Council was of great importance and a influence under the Tudors in the government of the

country and was entirely in the

hands of the crown. The period of the Tudors has been described as the period of government by council. It meant that it was through the agency of the council that the Tudor monarchy accomplished its work of government. At that time parliament had no control over the Privy Council. It was completely dependent on the king. Its members were appoint-

ed by him and sat in one or the other house when necessary. It dealt with such matters as were laid before it by the king who was free to accept or reject its advice at his pleasure. It became all the more amenable to him because the king chose as its members men of the middle class rather than powerful nobles.

The Privy Council exercised legislative, financial, judicial and administrative powers. Firstly, the king-in-council exercised the power of issuing proclamations and of dispensing with or suspending statutory laws. Secondly, it levied impositions, granted monopolies, borrowed

cloans and raised benevolences. Thirdly, the council had its own powers of jurisdiction. It was called the Council Table when acting in a judicial capacity. There were no judges in it. It mainly dealt with cases where the king was concerned. Its procedure was private and not public as was that of the Star Chamber. The council dealt with secret matters of state and was therefore a private court and the Star Chamber dealt with matters requiring an open hearing and was therefore a public and open court. The council abandoned the practice of examining witnesses on oath. The jurisdiction of the court of Star Chamber itself was a direct extension of the council's judicial authority. There were also sometimes new courts erected consisting mainly of privy councillors and acting under the supervision of the Privy Council.

Lastly, the council exercised all administrative powers. They increased largely under the Tudors. The government began to regulate and control various affairs of nation's life, political, economic, religious, educational and social. New matters relating to agriculture, industry, trade, pauperism, vagrancy, labour, education required the constant attention of government along with old matters relating to the preservation of peace and order and distribution of justice. The king did the work of supervising and directing all these matters through the agency of the council. This increased amount of administrative work led to the necessity of dividing the council into six committees for different branches of work. The authority of the Privy Council was extended

by subjecting to its control the outlying parts of the kingdom such as Ireland by the Poyning's law (1494)

which made the consent of the king's council necessary for all its measures. With the same object special councils were appointed for the government of the different parts of England itself. The Council of the North was set up in 1539 after the pilgrimage of grace. It had no statutory basis. Its special object was to suppress riots, conspiracies and disturbances, evils of

livery and maintenance which tended to violence and injustice in the north. The Council of Wales which already existed was confirmed in 1542 by an act of parliament. Its jurisdiction covered not only Wales but Welsh marches. The Council of the Marches had jurisdiction in connection with the border counties. The Council of Castle Chamber was framed on the model of the Star Chamber with similar methods and objects. Its jurisdiction was in Ireland. The Court of Requests looked after the complaints of the poor who wanted to get justice cheaply. The Court of Admiralty possessed civil and criminal powers over all subjects at sea or on a boardship in all ports at home and abroad and over rivers and estuaries.

In 1487, a statute enacted that the chancellor, treasurer and keeper of the Privy Seal, calling to them

chamber.

a bishop and a temporal lord together with two justices should deal with cases of livery and maintenance, riot, misconduct of sheriffs and other specified offences against order. From the time of Elizabeth both the composition and jurisdiction of the court differed from that laid down in the statute of 1487

differed from that laid down in the statute of 1487. Instead of the named seven persons all the members of the Privy Council were regarded as having a right to sit in the Star Chamber Court and instead of the seven offences enumerated there its jurisdiction extended to all offences punishable by law. Only those cases where life was concerned were excluded.

The King's Council used to deal with offences against order, disregard of proclamations, fraud, forgery,

The Council and the court of Star Chamber. and the mutilation of documents, perjury, conspiracy. It continued to exercise some criminal jurisdiction throughout the reign of Henry VIII. Among the committees which Edward VI appointed, one was to deal with offences against order, the disregard of proclamations and the infliction of the necessary punishments, and during the reigns of Mary and Elizabeth

Matters of public interest, domestic and foreign, were dealt with by it. Matters between party and party were referred to the Star Chamber where great riots and contempts were punished. We find both the courts, namely the Council Table and the Star Chamber exercising inquisitorial and judicial powers. The first however exercised them occasionally and was engaged mainly in administrative work. Their powers were however identical. Anson says that the Act of 1487 did not create new offences or a new jurisdiction but it specified certain offences which the circumstances of the time had

offences or a new jurisdiction but it specified certain offences which the circumstances of the time had brought into prominence, entrusted certain persons with the exercise of a power which the council had always possessed, and legalised procedure by writs of Subpoena and Privy Seal. These offences could have been dealt with by the council at large.

According to Hallam the coercive jurisdiction of the council which was long exercised before 1487 had great covenience in cases where the Hallam's opinion. ordinary course of justice was somuch obstructed by one party, through writs, combinations of maintenance or overawing influence, that no inferior court would find its process obeyed. The Act of 1487 appears to be intended to place on a lawful and permanent basis the jurisdiction of the council or rather a part of the council over this particular class of offences, namely, combinations supported by giving liveries and by indentures or promises, the partiality of sheriffs in making panels and in untrue returns, the taking of money by juries, the great riots and unlawful assemblies which almost annihilated the fair administration of justice. In 1530, the President of the Council was added to the judges of the court. But this tribunal of 1487 and 1530 was not styled the Star Chamber according to Hallam. This jurisdiction legally vested in this new court fell silently into the hands of the body of the council and was extended by them, so far beyond the boundaries assigned by

law, under the appellation of the Star Chamber which was for a long time past a room in the 'palace of Westminster bearing that name and commonly used by the council for its judicial sessions. According to Maitland also, the tribunal which was known as

Maitland's opinion. the court of Star Chamber was not exactly constituted on the lines marked out by the statute of 1487 and did not confine itself to the offences mentioned in that statute. It consisted apparently of the whole council or a committee of the council. It however punished the offences mentioned in the statute and many other offences as well. It exercised an unlimited penal jurisdiction

Prothero's opinion. excepting penalty of death. According to Prothero the court of 1487 developed into the court of Elizabeth and its membership and jurisdiction gradually extended. New developments took place after 1529. There is also another view that from the very first the composition and jurisdiction of the court was not according to the

Act of 1487. Therefore the court Another view. of 1487 and the later court of Star Chamber were identical. Really speaking the Act of 1487 was never carried out. The court of the Star Chamber regarded itself not as a new court created for the first time in 1487 and strictly limited in jurisdiction but as the council acting in a judicial capacity. The term Star Chamber appears originally to have been applied to the council itself. Then when two judges were added to it for certain judicial purposes a distinction began to arise between the council sitting in its ordinary capacity and the council sitting with two judges for certain judicial purposes. The term Star Chamber came to be confined to the latter only. Thus the Star Chamber was originally the Privy Council sitting in a judicial capacity. This judicial aspect of the council came to receive as it were a definite judicial organisation of its own, and so gradually the Star Chamber and the Privy Council became separate and distinct courts. The purpose of

the statute of 1487 was to warn the offenders against the offences of livery and maintenance and to place the jurisdiction of the council on a lawful basis. It gave a small committee the power of acting for the whole council in certain matters because the council was too large. The presence of the judges contributed to the growth of distinction between the Privy Council and the Star Chamber.

The court of Star Chamber was popular under the Tudors. It supplemented the common law courts.

The work of the court of Star Chamber. The ordinary courts of law were not competent to deal with cases of of forgery. It put down baronial anarchy and other disorders. It dealt justice in cases where men were too powerful for the ordinary courts. Its jurisdiction was exercised without any lengthy formalities. There was no trial by jury before it. The accused person was examined on his oath. It used torture and punished heavily,

Later on, it became very unpopular when kings began to use it as an instrument of despotism. It was used to punish refusals of benevolence, juries of common law courts for unexpected verdict, and crown's opponents. According to Maitland "it was a court of politicians enforcing a policy, not a court of judges administering the law." Therefore the king and parliament came into conflict over it. It was abolished in 1641 by the Long Parliament of Charles I for having exceeded its jurisdiction.

The justices of the peace arose on the decay of sheriff's power. Their origin can be traced to Richard Justices of the Reace. Is proclamation of 1195 which assigned knights of the shire to receive from all above the age of fifteen the oaths for the maintenance of peace. Similar appointments were made under Henry III occasionally. Under Edward I some custodes or guardians of the peace were elected in the shire court in 1277, and conservators of the peace in 1285 to carry out the statute of Winchester. Under

Edward III these conservators were appointed by the crown and thus became royal commissioners.

In the system of local government there were changes taking place from medieval to modern methods

System of local private courts were gradually being superseded by the steady develop-

ment of royal common law courts, both central and itinerant. The shire court was not now summoned to meet the itinerant justices. The grand jury alone represented the country. The importance of the hundred as a unit of administration and jurisdiction was lost. Private jurisdiction of manor and franchise disappeared before the royal courts.

Till 1328 the conservators of the peace had merely exercised executive functions of constables. In that year they were given judicial functions of examining and punishing evil doers under the statute of Winchester (1285). In 1330, these magistrates were allowed to take indictment for trial before the justices of gaol delivery. In 1344, they were made a permanent staff of royal guardians of the peace, and were appointed on occasions to do judicial functions. Finally the Act of 1361 laid down that in every county of England

should be assigned for the keeping of the peace one lord and with him three or four of the most worthy in the county, with some learned in the law, and that they should have power to restrain all disturbances of peace and to arrest and chastise them according to their trespass or offence or to cause them to be imprisoned and duly punished according to the law and customs of the realm and according to their best judgment and on complaint in the king's name to hear and determine felonies or on suspicion to arrest and imprison all dangerous persons or to take surety for their good behaviour. Thus there were existing in the fourteenth century two bodies side by side, namely, the shire court and the justices of the peace, but

during the fifteenth century the justices of the peace gradually superseded the shire courts. They were usually appointed from the knights' class or landed gentry. In origin they were merely delegates of the royal power. Later statutes placed the office in the hands of men who would not need payment and who would therefore presumably be above corruption. Thus came be established in the matter of local administration and local justice the monopoly of the upper class. It was the local rule of the landed gentry.

In 1439, an ordinance was issued by the king against the existence of abuses in the appointment of the justices of the peace. Some men of small substance who did great extortion and oppression of the people had been appointed. Therefore the king ordered that they who possessed lands and tenements to the value of twenty pounds a year should be appointed.

The history of English local government under the

Tudors is the history of the justices of the peace. It was under the Tudors that their importance, work and numbers greatly increased. Their work consisted of police duties and judicial and administrative work. Their work. In police matters their primary duty was to keep the peace and suppress all riots and minor disturbances. The disturbed condition of the country was the legacy of the Lancastrian lack of governance. In judicial matters they handled the less important cases in their petty sessions and the more important in their quarter sessions. In administrative matters their importance and help was very great. In the consolidating and centralising work of the Tudors every aspect of national life came under their control and direction. Their office proved an efficient instrument for carrying on the work of this new monarchy. The Tudor system rested upon the social control exercised by these county magistrates. The surveillance of the central government which extended over the entire kingdom was made effective only by the work of these loyal local

representatives. They carried out their functions by enforcing the various acts of parliament. The commission issued to them in 1579 showed that they were made responsible for administering not "loads but stacks of statutes", namely, all statutes and ordinances for the good of the peace and the quiet rule and government of the people. They were given police, judicial and administrative powers. They had to take an oath to do equal justice to the poor and to the rich. In the maintenance of the poor law system they appointed the overseers, erected the poor houses, fixed the poor rate and saw to its due collection, and set up houses of correction for the vagbonds. They enforced labourers and apprentices to do their work, and settled disputes between masters and men. They looked after the maintenance of highways and bridges. In matters of agriculture, trade and industry, they carried out the provisions of the statute of apprentices or artificers by fixing wages and prices of articles from time to time. In the matter of religious settlement they had to carry out the penal legislation against recusants and dissenters.

Thus it may be seen that it was the justices of the peace who made the government of the Tudors possible. The means of communication being Their importance. very difficult, it would have been impossible for the central government to have made its will and power felt in every part of the country if it had not been for existence of a local class trained in government, socially influential, and carrying out all instructions given to it from the centre. They proved to be of great value during the period of dangers which arose from conspiracy against kings. As local gentry they knew the character of all the people around them. They knew who were recusants and who were discontented and hostile to the government. Being on the spot they could watch them and crush a conspiracy immediately before it had time to come to a head. They could hunt out Jesuits and all political discontents.

They obtained under the Tudors a lot of experience in administration and therefore when they sat in parliament they were able to bring to

Their influence in bear upon the affairs of state the parliament. experience and knowledge gained in local administration. Consequently when the Stuarts came they were led to criticise their policy and made their government impossible. Their sympathies were with the parliamentary party. Many of them belonged to it. The members of the House of Commons were not now so ignorant and simple men who could not give the king advice on matters of state as they pleaded under Edward III in 1348. They had acquired the capacity to understand misgovernment and to point out its remedies. James I's attempt to bar the commons from discussing the 'mysteries of state' failed. The Commons claimed a share in the government of the country and wanted it to be responsible to them.

There were however some checks on their power. In the trial of more important cases the presence of not less than two judges was necessary. Checks on their power. of whom one was to be of a select number whose names were expressly repeated as 'learned in law.' The main supervision and control was done by the Privy Council. It appointed only men of loyalty and orthodoxy after a careful consideration. It kept a direct and intimate control over them. It was quick in dealing with their irregularities and fined them heavily for negligence of duties. They never secured enough independence to endanger the central authority. They received no pecuniary remuneration for their work. They enjoyed only the honour and power which their office gave them. In 1590, a new form of commission was drawn up. It recognised the double capacity of the justices as administrators by the authority given them to execute all statutes for the maintenance of the peace without enumerating such enactments individually and as judicial officers by the power conferred on any two justices to hear and determine, by the oath of the good and lawful men of the county, a number of offences enumerated in the commission.

The first mention of Lords Lieutenant is found in the statute of 1550. They were originally military officers appointed by letters patent Lords Lieutenant. in counties for the suppression of commotions, rebellions or unlawful assemblies. The statute of Edward VI made all justices of the peace and sheriffs attend upon them to help them. Later they became the honorary heads of the justices of the peace. One of the justices of the peace had been specially charged to keep the rolls or the records of the justices. He was called custos rolutorum. Generally the same person was appointed Lord Lieutenant and custos rolutorum. The Lord Lieutenant was the person with whom the king's council carried on its correspondence under the Tudors and Stuarts and thus kept the justices well in hand.

Before the law of Edward III (1351) the crime of high treason was not exactly defined. The fundamental idea underlying it was the Law of Treason. need of allegiance from every person who lived under the king's protection. Every one above the age of fourteen was bound to take the oath of allegiance if called upon to do so. If any one deviated even a little from allegiance he was punished for treason. Its scope and nature were variously determined by the rulings of the judges whose powers were arbitrary and unlimited in its interpretation. At length, when the commons frequently complained and petitioned against the arbitrary decisions of the court, there was passed the statute of Edward III in 1351, which strictly defined the limits of treason. Statute of 1351. There were seven heads of treason

There were seven heads of treason enumerated in it, (1) the compassing or imagining the death of the king or his queen or his eldest son and heir, (2) the violating of the king's companion, or his eldest daughter unmarried or the wife of his eldest son and heir, (3) the levying of war against the king,

81 (4) the adhering to and helping the king's enemies, (5) the counterfeiting of the king's great or privy seal or his money, (6) the bringing of false money into the realm and (7) the slaying of the chancellor, treasurer or royal justices. This was the permanent law of treason. It was again defined in 1397. The Act of 1495 added to it that a king must be a de facto king, that is, in actual possession of the crown, as opposed Act of 1495. to a de jure king who merely had a title or claim to the crown without possession and who had no right to allegiance. The Treasons Acts of 1534, 1544, 1547, 1554, 1559, 1571 and 1581 were temporary additions to the law of trea-Other treasons acts son. In times of political disorders under the Tudors. and dangers new treasons were created or old were emphasized but after the disorders and dangers were over, they were generally abolished. It was due to special circumstances of dangers of civil war and foreign invasion, of conspiracies and rebellions due to changes in religion and claims of succession that the tyrannical use and expansion of the law of treason took place under the Tudors. It became treason under Henry VIII to deny the king's title to be the head of the church and to support the Pope. It was made treason to alter Henry's settlement of the succession to the throne and to doubt the validity or nullity of the king's marriages. Edward's VI first parliament abolished most of these treasons except the one concerning the Act of Supremacy. It created a new law of treason in 1547 in the case of twelve or more persons making riot with the intent to kill any of the privy

deposition it was made treason to introduce bulls or to call the queen a heretic. In 1581, the danger from

councillors. Mary, however, repealed all these and

made it treason to deny Philip's title as consort or to

pray for the queen's death (1554). Under Elizabeth

the question of succession was never settled. Therefore

that cause of creating new treason disappeared. She

maintained the treason under the Act of Supremacy.

In 1571 to meet the Bull of excommunication and

Jesuits led to an act of treason directed against them. Under James I there was very little change.

Treason was also extended by the interpretation of judges. It is called the law of constructive treason. In the matter of procedure the statute of Edward VI (1552) made it necessary for the offender to be accused by two lawful accusers who were to give evidence in the presence of the accused.

and the state of the

a simmer

## CHAPTER III.

## THE STUART PERIOD (1603-1625).

## 1. The Royal Prerogative.

The seventeenth century in English constitutional history is important for the struggle for religious, political and civil liberty. It was waged between the king and parliament. The cause of liberty and toleration ultimately succeeded in the estab-Struggle of liberty. lishment of parliamentary monarchy abrogating the hereditary rights of the holders of the throne and their theory of divine right of monarchy. The Stuart kings had threatened the liberties of their subjects by trying to make themselves independent of parliament and superior to law. From the study of the Bible certain theologians and politicians had propounded four prepositions, namely (1) that the kings derived their power from God, (2) that the king's authority was absolute, (3) that resistance to the king was unlawful and (4) that the monarchy was hereditary in the eldest line.

The religious struggle was carried on by the advanced Puritans or Presbyterians who were not satisfied with the Elizabethan settlement. They regarded sacerdotalism with horror and episcopacy with hatred. There The Religious parties. with hatred. They were compelled to attack the ecclesiastical supremacy of the crown and hence became a political as well as a religious party. Both Elizabeth and James I would not yield to their demands for further religious changes. James I continued Elizabeth's religious settlement and penal laws. The Puritans who were turning Calvinists now advocated the independence of the church in spiritual matters and the government of the church by assemblies, while the Independents believed in the right of each congregation to govern itself and in toleration in religious matters. The Anglican church was for

episcopacy and royal supremacy. Under the Stuarts the crown and the church were allied against parliament which contained and was influenced by these Puritan parties. The crown and the Anglican party desired to pursue the policy of pushing their political power to the undoubted level of their ecclesiastical power. The House of Commons on the other hand tried to pull down their ecclesiastical power to the defined level of political power.

In political matters the advanced Puritans held the Calvin's theory as to the relation of the church and state and taught that the church was in dependent of temporal power, and that laymen should share in church government, and in their

Their aims. struggle against Elizabethan settlement, they became the supporters of the ancient, legal and vital liberties of parliament against the claims of the royal prerogative. The Episcopalian or High Church party believed in the exalted authority of the princes and supported royal supremacy and prerogative throughout the Stuart period. Thus the Puritan opposition was also a political struggle between the king and parliament for power. As a religious movement it was a contest between the Anglicans and the Puritans for the exclusive establishment of their respective forms of worship. Thus the problems which awaited the Stuarts were both religious and political. James did not do things which the Tudors had never done nor did he make claims to which he had no rights. Elizabeth no less than the Stuarts had attempted to restrain parliaments and had claimed that religion was a matter in which parliament had no cencern. The House of Commons had no desire

but only wanted the carrying out of certain reforms such as a better treatment of the Puritans, a more popular foreign policy, a recognition of parliamentary right to levy taxes. It was more the obstinate character of the sovereigns, James I and Charles I, that led to their quarrels and civil war with

parliament. They had not their finger on the national pulse as the Tudors had and they did not understand the people and the changed times.

Political power now lay in the main in the hands of the country gentry and the mercantile classes whom

period. .

the policy of Tudors had fostered. Disappearance of the Hence the middle classes had no dangers of the Tudor longer any reason to fear that if they hampered the sovereign they

would have to suffer the tyranny of a hundred tyrants. Since 1569 there had been no baronial revolt. The danger of a foreign sovereign was gone. There was no danger from Scotland. Rebellious Irish chiefs had been suppressed and Ireland was checked by the settlement of Ulster under Elizabeth. France was friendly because Henry IV of France had been originally Protestant and had received England's support in his struggle for the throne. Spanish danger was crushed by the defeat of the Armada. National independence was thus secure. Therefore the chief motive for acquiescence in absolute monarchy had disappeared.

Parliament was thus released from the pressure of circumstances and dangers which had paralysed it. It had acquired both the capacity and the motive for taking up an independent attitude. Its capacity was due to the Tudors who had respected its privileges and

Parliament strengthened.

extended its sphere of work, and its position was confirmed as an indespensable element in the state. A

century of Tudor legislation gave it training and conferred upon it prestige and a sense of self-importance.

Thus the conditions in England had altered. The Tudor rule had changed the minds and surroundings of the people. Their national self-consciousness had developed. They had become patriotic, wealthy and experienced. The external dangers to the state and

Awakening of the people.

to the church were removed. The internal dangers of baronial and religious civil wars had disappeared.

Succession was secured and fixed and the adherents of Rome were few. The people had learned a good deal under the Tudors who had cared for their interests, given them security and independence, opportunity and strength and worked for their welfare. They had recognised their place in the constitution. Thus the people were an awakened people, conscious of their rights, liberties and privileges. They had learned to act in concert. Now the guiding and controlling hand of the sovereign was not felt necessary. Arbitrary government was not popular, Royal power was expected only to be used in national interests. Parliament which had been associated in all important measures and changes of the Tudor period represented the interests of the nation. It had acquired a consciousness of its rights and privileges which Tudor precedents had already established.

Therefore the Stuarts had to face these new conditions and ambitions of the people and their parliament. But they were obstinate in temper and absolutist in beliefs and would not gracefully yield to or compromise or associate with parliament in what they believed to be their prerogative or divine rights.

James I (1603-1625) held the highest ideal of the royal prerogative. He did not seem to understand the value of popular support. His foreign and religious policies were unpopular with the bulk of his subjects but he did not endeavour to conciliate public opinion. He was on the whole a well meaning ruler who desired to use his power for the good of his subjects but without consulting them. He however lacked tact and statesmanship. He possessed no insight into the desires of his people. His aim was the absolute subjection of all classes to his power. His theory of state was that of absolute monarchy and was stated in his "The True law of Free Monarchies". A Monarch in the proper sense is created by God and is accountable to God alone. He is above the law, both

as its author and as its upholder. All other authorities in the state derived their power from him and owed him absolute obedience. "Although a good king will frame all his actions to be according to law, he is not bound thereto but of his own freewill". "A good king acknowledges himself ordained for the people and only a tyrant thinks his being ordained for himself. But a bad king is not so bad as anarchy. By patience, prayer and amendment of their lives men may prevail with the king to remove the curse of tyranny and they are the only lawful means of deliverance". The people had no legal protection against the king who declared that the privileges of parliament were of the king's grace and not of right and that judges were royal servants.

In his theory of the church he allowed some latitude in points of doctrine and worship but he would not allow any independence to the His theory of church. clergy or any claim of theirs to give laws to secular rulers. Therefore he was opposed to the church ideas of Roman Catholics and advanced Puritans. The Roman Catholics exalted the Pope at the expense of the king and claimed to direct, to judge and even to depose monarchs. The Presbyterians did not believe in royal ecclesiastical supremacy. The king was God's servant. Presbyterian ministers had a right to admonish the king. They were more inclined towards democracy and republicanism. The king believed in the divine origin of episcopacy in which bishops and clergies were appointed and controlled by the crown. His position was Erastian. He regarded the church as subservient to the state and therefore compatible with monarchy.

Jame's hatred of the Scotch Presbyterianism and his belief in the absolute identity of interests between episcopacy and monarchy led him to oppose the Puritan party in England whom he wrongly identified with Presbyterianism. In 1603 on his way to London he was presented with the Millinery Petition signed by Puritan

Millinery Petition. of certain practices which were regarded as relics of Popery. They objected to certain vestments and ceremonies and demanded better educated ministers, discontinuance of pluralities and abolition of the "ex officio" oath which compelled clergy to answer all questions put to them and thus to incriminate themselves against all the principles of English law. This demand involved the principle of liberty of conscience. The petition was not favourably received by the king. In 1604 in the

Hampton Court Conference.

Hampton Court Conference between the eighteen bishops and the four Puritan leaders, the king presided.

The conference rejected the proposals made by the Puritans as regards the addition of Calvinistic doctrines of grace and predestination to the thirty-nine articles, but accepted the demand for a revision of the Bible and made a very few alterations in the church service. The king believed in conformation and not comprehension. He uttered that "a Scotch Presbytery agreeth as well with monarchy as God with the Devil. Then Jack and Tom, Will and Dick shall meet and at their pleasure censure me and my council," and said "it is my aphorism, no bishop no king." He was opposed to all concessions to the Puritans. He soon after issued a proclamation requiring all ecclesiastical and

Persecution of Puritans. civil officers to do their duty by enforcing conformity, admonishing all men not to expect nor to attempt

any further alteration in the public service and enjoining the bishops to proceed against all the clergy who did not observe the prescribed order. Ten of the millinery petitioners were committed to prison by the Star Chamber declaring it an offence to present such a petition. Archbishop Bancroft who succeeded Whitgift accepting the king's proclamation persuaded the convocation in 1604 to pass a code of new canons with the king's consent maintaining the thirty-nine articles, the Prayer Book and the rights and ceremonies of the

Episcopal Church and giving scriptural support to royal power. These canons were not passed by parliament and therefore were not binding on the laity. But three hundred clergymen had to leave the church in consequence. In 1611 the Authorised Version of the Bible was issued.

In Scotland the Scottish Reformation started under the preaching of John Knox in 1559. He was a Calvinist and preached the right of Scottish Reformation. rebellion and deposition of rulers in case they interfered in religious matters. He founded the Presbyterian Church organisation and spread it all over the southern Scotland. Its leading principle was the assertion that by divine appointment the discipline of the church lay with the body of Presbyters and not with the bishops. Under it each parish had its minister, lay-elder and deacon who held their kirk session for spiritual jurisdiction and other pur-Its ecclesiastical orgaposes, each ecclesiastical province nisation. its synod of ministers and delegated elders presided over by a superintendent, but the supreme power resided in the general assembly of the kirk, constituting of all ministers of parishes with an admixture of delegated laymen, to which appeals lay from inferior judicatories and by whose determinations or canons the whole were bound. This was the church polity set up in 1560, called the universal kirk of Scotland. In matters of faith there was put forth the Confession of Faith, the First and Second Book of Discipline and the Book of Common Order. Later on developed a court or classis. It was a smaller division than the diocese between the parochial and the provincial assembly. It was known as the classical assembly and was called the Presbytery and was the centre of the whole Presbyterian system. Andrew Melville taught the doctrine of the divine right of Presbytery. It exercised all power in faith, jurisdiction and appointments. There was no appeal to

civil court and it was to be independent of civil power.

The classes who were for the reformation were the feudal nobility, burghers, yeomen, artisans and lairds.

The Scottish nobles who were against The Congregation. the French influence in Scotland had formed a band or association in 1559 to maintain national independence. These Lords of the Congregation entered into a covenant "to maintain, set forward, and establish the most blessed word of God and his congregation". They took up arms against the Queen Regent and secured English help for preserving their old freedoms and liberties. They wanted to maintain their new religion and country against the Catholics and French intrigues. The Congregation of the Lords was organised as an Assembly of Estates in which each Protestant notable took his place as a minister of religion or as a noble, laird or burgher. It was more representative of the political forces of the country than Scotland's old parliament which was purely feudal in form and served as a court of registration. The Congregation was army, church and political assembly, in one. Nobles were its leaders.

The democratic religious revolution brought about by Knox's Calvinism was accompanied by image-breaking. It swept through Scottish burgs. The Congregation protected the insurgents against French troops of the regent Mary Guise in 1559. England helped them. The treaty of Edinburg in 1560 destroyed French influence in Scotland and led to the French evacuation. From 1561 to 1567 there was a struggle for power between

Mary Queen of Scots and the Congregation.

Knox had organised the democracy of laymen in parish after parish. They elected their own ministers.

The general Assembly of the Kirk.

Every parish had its Kirk session based on the democratic choice of the religious community of the parish.

The general assembly of the Kirk consisted of

parish. The general assembly of the Kirk consisted of ministers and lairds who sat side by side and represented clerical and lay forces of different social classes from the high-born prelates and nobles to the common men. The general assembly became the centre of Scottish

life and of Scottish opposition to the Catholic crown. It dictated the dogma and discipline of the new religion to the government of the land, to the laird and to the peasant. It was uncompromising, intolerant and zealous in its spirit. This led to its quarrel with its kings and other sects who opposed Presbyterian church settlement. In 1560 the Scottish Parliament approved Knox's Confession of Faith and its acts were legalised by the Scottish parliament of 1567 which thus established Presbyterianism in Scotland. In the Scottish parliament only feudal nobles were fully represented. They became more inclined towards the king Scottish Parliament. James VI than towards the Kirk which was too puritan and democratic. The Kirk's strength lay in the puritanical devotion of the middle classes and its organisation which was popular and independent of royal control and which gave its general assembly the force of an ecclesiastical House of Commons.

After the flight and detention of Mary Stuart in England James VI ruled in Scotland. He was brought up under Presbyterian teachers such James VI and the as Buchanan. But he had a strong Presbyterian church. aversion to Presbyterianism because of its extremism and republicanism. He was for episcopacy. In 1584 he checked its progress when he persuaded the Scottish parliament to pass the 'Black Acts' of Edinburgh which ratified the three estates, made the king supreme over all causes and persons, spiritual and temporal, forbade any assemblies or conventions except under his license and placed the chief ecclesiastical jurisdiction in the hands of the bishops. But in 1592 these were repealed and new 'Golden Acts' were passed which gave a legal status to Presbyterian church courts, handed the power of the bishops to the Presbyteries and permitted the annual holding of a general assembly. But from 1597 to 1610 the king was engaged in destroying the parity of all the ministers or clergy which was an essential tenet of Presbytery and in subjecting the church to the rule of a titular episcopacy in which

the bishops had administrative powers but no episcopal consecration. Still the government of the Kirk of Scotland in its fourfold organisation of assemblies the Kirk session, the Presbytery, the Provincial synod and the General assembly remained. It made the reformed church the greatest power in the land. These courts were really representative and therefore carried a moral weight which did not belong to the Scottish parliament. It claimed the old ecclesiastial jurisdiction in all questions of morality, religion, education and marriage. The power of the church was held to the dependent on no legal sanction. It came directly from God to the church which had no "temporal head on earth but only Christ, the only spiritual king and governor of His Kirk." Thus the conflict between the crown who was for episcopacy and the Kirk continued. In 1606 James aimed at the establishment of episcopacy in Scotland. But his measures in 1610 establishing courts of High Commission in Glasgow and Edinburgh, issuing the five articles of Perth which laid down kneeling at communion, private baptism and communion in cases of need, the observance of church festivals and confirmation by bishops and compiling a new Scotch Prayer Book, roused fierce opposition from Scotch Presbyterians. Thus both in England and Scotland the alliance of the crown and the bishops aroused fierce Puritan opposition which proved fatal to the Stuart theory of absolutism in the church and in the state.

The Roman Catholics hoped for toleration from the son of Mary Queen of Scots. James I was at first inclined to tolerate them and not to execute penal laws against them. But this led to further differences with the House of Commons which wanted that the Papists should be punished. The Roman Catholics also spoiled their cause. The Bye Plot of 1603 which was formed to kidnap James and to compel him to grant toleration failed. The result was that all Roman Catholic priests were ordered to quit the country and fines for recusancy were extorted. The Main Plot

formed by Sir Walter Raleigh in the same year to place Lady Arabella Stuart, niece of Lord Darnley also failed. The parliament of 1604 sanctioned the persecution of Roman Catholics. This led to the Gun Powder Plot of 1605 which was for blowing up the Houses of Parliament and killing

James. The Roman Catholics wanted to establish Roman Catholic government and to secure religious toleration by means of a general rising of Catholics. The plot failed and resulted in more severe laws against them in 1606 which obliged all recusants to receive the sacrament according to Anglican rites. After 1616 under the influence of France and Spain James agreed to suspend penal laws against them and promised to pardon all recusants. But the parliament of 1621 opposed the Spanish marriage and toleration of Roman Catholics. It demanded the strict enforcement of penal statutes against them. James however in spite of a promise to parliament that the penal statutes would not be suspended accepted in 1624 freedom of worship as a condition of marriage of his son Charles and Henrietta Maria of France. This led to an increase of opposition between the king and the puritan commons.

James I's accession marked the union of the crowns of England and Scotland. The Act of Recognition recognised (1604) his title to the throne of England "by inherent birthright and lawful and undoubted succession." The titles of Elizabeth and James I to the throne were not undisputed, because of Henry VIII's will. It was, therefore, in defence of his claim to the throne that James, like Elizabeth, was an upholder of the principle of primogeniture as he was "lineally and lawfully the next and sole heir of the blood royal of this realm."

James summoned four parliaments in all. In summoning his first parliament he issued an irregular proclamation, charging electors to avoid persons noted in religion in one way or the other and commanding that no

bankrupts or outlaws were to be chosen, but men of good behavior and sufficient livelihood. He ordered that all returns were to be filed in chancery and disputed cases were to be decided there. This meant that the House of Commons was deprived of its right of deciding upon the qualification of its own members and upon disputed election cases. A conflict arose immediately between the king and the House of First parliament. Commons in the first parliament of 1604 in the case of Sir Francis Godwin whose return was refused by the clerk of the crown on the ground that Godwin had been outlawed some years before. Therefore Sir John Fortescue a member of the Privy Council was elected by virtue of a Godwin's case. second writ. The Commons voted that Godwin was duly elected and ordered him to take his seat. There was a conference with the king who asserted that " he had no purpose to impeach their privilege but since they derive all matters of privilege from him and by his grant, he expected they should not be turned against him." He also maintained that legally the House had no right to meddle with returns which were made into the court of chancery and were within its exclusive jurisdiction, and that outlaws might not legally sit. The king directed the Commons to confer with judges on these points. At first they refused but the king again commanded them, as an absolute king, that there should be such a conference. It was resolved therefore to confer with the judges in the presence of the king and council. In this second conference the king conceded that the House was a court of record and a judge of its returns, though not exclusively of the chancery and suggested that both Godwin and Fortescue should be set aside, by issuing a new writ. The compromise was accepted.

The Commons were also engaged during this session in asserting the member's right of freedom from arrest in the case of Sir Thomas Shirley's case. Shirley. He had been imprisoned in the Fleet for debt before the meeting of parliament.

The Commons sent their sergeant to demand his release. This being refused by the warden he was committed to the Tower for contempt. Shortly after the warden on king's command delivered up the prisoner and was discharged after a repremand. After this an act was passed which empowered the creditor to sue out a new execution against any one who would be delivered by virtue of his privilege of parliament after that had expired and discharged from liability those out of whose custody such persons would be delivered. This was the first legislative recognition of the privilege of freedom from arrest. Their right to punish those who made or procured such arrests was also distinctly recognised.

The speaker in an answer to the address from the throne reminded the king of the limited nature of royal prerogative. He stated that "new laws could not be instituted nor inperfect laws reformed nor inconvenient laws abrogated by any other power than that of the High Court of parliament," This House of Commons contained both the discontented elements, namely, the

Puritans who were dissatisfied with

Grievances of the

the code of new canons passed by House of Commons. the convocation which was not only obligatory on the clergy but tending to set up an unwarranted authority over the whole nation, imposing oaths and exacting securities from the laity and aiming at the exclusion of non-conformists from all civil rights, and the lawyers who were opposed to his legal and political claims and encroachments. Against these canons and grievances the Commons raised their protest. Their principal grievances related to the abuse of the right of purveyance, the hardship of the incidents of military tenure, the abuse of monopolies and other items. Under the right of purveyance carts and carriages were impressed for transport, and victuals for the king's use were exacted, at arbitrary prices far below the true value and in quantity beyond what was necessary. If refused, people were punished. The purveyors lived at free quarters upon the country exacting labour and

supplies with little or no recompense. Guardianship in chivalry was a profitable feudal incident. It meant the custody of every military tenants' estate until he arrived at twenty-one without accounting for profits.

The Commons being thus dissatisfied with religious and civil administration granted only tonnage and poundage for life. The king had not asked for any subsidy nor given them any evidence of his financial needs. But being dissatisfied at the proceedings he expressed strongly against the discussions and remonstrances of the Commons. The Commons therefore in 1604 prepared a remarkable document called "A Form of Apology and satisfaction to be delivered to His Majesty" in which they vindicated their proceedings and rights and stated fully the question of dispute

The Apology of the They declared that (1) their privileges and liberties were their rights

and due inheritance no less than their very lands and goods, (2) that they could not be withheld from them, denied or impaired, but with apparent wrong to the whole estate of the realm, (3) that their making request at the beginning of a parliament to enjoy their privilege was only an act of manners and did not weaken their right, (4) that their house was a court of record and has been ever so esteemed, (5) that there was not the highest standing court in this land that ought to enter into competition, either for dignity or authority with this High Court of parliament which, with His Majesty's royal assent, gave law to other courts, but from other courts received neither laws or orders, and (6) that the House of Commons was the sole proper judge of all such writs and the election of all such members as belonged to it, without which the freedom of election was not entire, and that the Chancery, though a standing court under your Majesty, was to send out those writs and receive the returns and to preserve them, yet the same was done only for the use of the parliament over which neither the Chancery nor any other court ever had or ought to have any manner of jurisdiction. After

discussing and stating a member of matters of dispute they vindicated their endeavours to obtain redress of religions and public grievances, and stated "your Majesty would be misinformed if any man should deliver that the kings of England have any absolute power in themselves, either to alter religion or to make any laws concerning the same, otherwise than as in temporal causes, by consent of parliament."

James was very much in need of money. He had to meet a debt of £ 400,000 left by Elizabeth. His

income was mainly derived from the James' financial crown lands and feudal dues which position. were fixed by custom and from tonnage and poundage which parliament had granted for life. It was a stationary income. A lot of it was spent in court revels and on favourites. Government had become costly and prices had risen. Parliament would not grant subsidies till the grievances were presented and settled. Nothing was done in the sessions of 1604 and 1606.

Hallam says "two springs had kept in play the machine of her (Elizabeth's) administration, affection and fear; attachment arising from the sense of dangers endured, and glory achieved for her people, tempered, though not subdued, by the dread of her stern courage and vindictive rigour. For James not a particle of loyal affection lived in the hearts of the nation." There were continual bickerings between the crown and the Com-

mons. The Commons after some The Common's grievances. angry speeches informed the king

through the speaker their desire that he would listen to no private reports, but take his information of the House's meaning from themselves, that he would give leave to such persons as he had blamed to clear themselves in his hearing and that he would by some gracious message make known his intention that they should deliver their opinions with full liberty and without fear. The king answered that he wished to preserve their privileges, especially that of liberty of speech. Still he sent messages commenting on their

debates and interfered in their reading of petitions against ecclesiastical abuses and in favour of Puritans.

As parliament would not vote supplies till its grievances, religious and political, were redressed, James

Case of Impositions or Bates case.

started the expedient of raising money by impositions in 1606, that is, additional customs duties of five

shillings on all currants imported over and above the two shillings and six pence granted by the statute of tonnage and poundage. John Bates who was a merchant of the Levant Company refused to pay the additional duty, stating that it was illegal being levied. without the authority of parliament. His case was tried in the Court of Exchequer which declared in favour of the legality of impositions or increased customs. The judges of this court proved servile. But the confirmatio cartarum of 1297 had abolished "all aids, tasks, and prises unless by the common consent of the realm and for the common profit thereof, saving the ancient aids and prises due and accustomed." Prises meant impositions on merchandise at the ports and hence could not be levied by the royal prerogative after this enactment. From the time of Richard II they were not levied. The Commons granted tonnage and pound. age for the king's life from the time of Henry V. The first three Tudors did not violate this acknowledged right of the Commons. It was Queen Mary, however, who put a duty in 1557 on cloths exported beyond seas and on the importation of French wine. Merchants petitioned to Elizabeth against these arbitrary impositions and wanted to be released from this burden. The duties continued to be levied and paid under Elizabeth. The judges who were favourable to the king in Bates' case maintained on the contrary that "the king's power was twofold, ordinary and absolute. His ordinary power is for the profit of particular subjects, for the execution of civil justice in the

King's prerogative execution of civil justice in the ordinary courts. It is called Common Law and cannot be changed without

parliament. The king's absolute power is applied not

for the benefit of particular persons but for the general benefit of the people and is salus populi. This power is not directed by the rules of Common Law, but is properly termed policy or government, varying according to the wisdom of the king for the common good. The matter in question is a material matter of state and ought to be governed according to the rules of policy by the king's extraordinary power. All the customs be they old or new are the effects of foreign commerce and affairs with foreigners, war and peace and all treaties whatever are made by the absolute power of the king; he therefore who has power over the cause has power also over the effect. No exportation or importation can be but at the king's ports. But the seaports are the king's gates which he may open or shut to whom he pieases".

The merchants laid their grievance before the House of Commons. The House included in the petition of grievances presented to the king at the end of the session of 1606 a request that impositions might not be levied as no such duty could

consent of parliament. But James informed the House of the legal decision in his favour. He could plead also precedent of Mary's reign and special circumstance in his favour. The special circumstance was that the Levant Company which had enjoyed monopoly of this trade and used to pay £ 4,000 annually for it was now abolished. Hence the crown which lost this sum had to compensate itself. But from parliament's point of view this expedient would give the king inexhaustible revenue independent of parliament because the trade of England had increased at that time and would therefore make the summoning of parliament unnecessary. The king did not yield.

In 1607 parliament discussed James' scheme for a perfect union between England and Scotland. He wanted all his subjects to enjoy the same rights and to be amenable to the same laws. But this was not liked both by the English and the Scots who

were actuated by national prejudices and animosities. Still an act was passed which repealed all hostile legislation between the two kingdoms. The king, however, wanted a declaratory act declaring that the union of the crowns had brought about mutual naturalisation of the post-nati, that is, persons born after his accession to the English throne. He also wanted an enabling act to give the same status to the ante-nati. The House of Commons was against these measures.

Calvin's case or of the king, however, got the status of the post-nati recognised in Calvin's case by the judges who

were favourable to him. It was a test case submitted to the barons of the Court of Exchequer to decide whether the post-nati, that is, those born after 1603, possessed the privileges of natives in either kingdom. A piece of land was bought in the name of a Scottish child, Calvin, born after the accession of James and two actions were brought in his name against the people who were supposed to be depriving him of his land. The defendants urged that Calvin was an alien and therefore as such had no right to hold the land. The judges decided that the post-nati were no aliens and therefore could hold land in England.

The doctrine of the king's absolute power stretching beyond law had also been favoured by the high church party. The convocation of 1906 had drawn up a set of canons advocating king's prerogatives dependent on birth right and passive obedience to the monarch in all cases. The king's power was of God. The clergy aimed thus at gaining the sanction and support of the crown for their own pretensions in matters of ecclesiastical jurisdiction. Archbishop Bancroft accordingly had presented to the Star Chamber in 1605 a series of petitions in the name of the clergy called Articuli cleri, complaining that the courts of law interfered by continual prohibitions with a jurisdiction as established and as much derived from the king as their own. Case of prohibitions.

They protested against these writs of prohibitions

granted by the King's Bench and Common Pleas as encroachments. They could only be issued regularly out of the court of chancery. The king had a right to take what causes he pleased from the determination of the judges and to determine them himself. The judges in 1607 however vindicated strongly their right to issue prohibitions. They stated that an act of parliament alone could alter the course of justice established by law, that the king in his own person cannot adjudge any case and that judgments are always given by the court and that the king cannot arrest any man for the party cannot have any remedy against the king.

James was upset by the bold assertions of the Commons of their privileges and by their constant complaint of grievances. He therefore did not meet his parliament from 1607 to 1609. Being however in want of money he decided to use the unconstitutional expedient of increasing the duty on imports by his own royal authority which the judges had declared to be vested

James issues Book of Rates.

duties upon almost all mercantile commodities "to be for ever hereafter paid to the king and his successors on pain of his displeasure". Still his financial needs were not satisfied and he summoned the parliament in 1609. In the session of 1610 the Commons argued on the illegality of impositions, by citing statutes and precedents, inspite of the message from the king forbidding them to discuss the question. They presented

The remonstrance of the Commons against impositions. a strong remonstrance against the message) claiming as "an ancient, general, and undoubted right of parliament to debate freely all

in the crown. In 1608 he published

a Book of Rates under the authority

matters which do properly concern the subject; which freedom of debate being once foreclosed, the essence of the liberty of parliament is withal dissolved. For the judgment given by the exchequer, they take not on them to review it, but desire to know the reasons whereon it was grounded; especially as it was generally apprehended

that the reasons of that judgment extended much farther, even to the utter ruin of the ancient liberty of this kingdom, and of the subjects, rights of property in their lands and goods". The policy and constitution of this your kingdom appropriates unto the kings of this realm, with the assent of the parliament, as well the sovereign power of making laws, as that of taxing, or imposing upon the subjects' goods or merchandises, as may not, without their consents, be altered or changed." They wanted "that a law be made during this session of parliament to declare that all impositions set or to be set upon your people, their goods or merchandises save only by common consent in parliament, are and shall be void." A bill was passed by the Commons to that effect but it was thrown out by the Lords. Therefore the king continued to levy arbitrary impositions under the cover of judgment in Bates' case. In this session of 1610 the Commons in their petition of grievances remonstrated also against the jurisdiction of the Court of High Commission, the abuse of proclamations and Dr. Cowell's Interpreter. Proclamations created new laws and new penalties without the consent of parliament which was an encroachment upon the civil freedom of the subject. Dr. Cowell who was the Regius Professor of Civil Law at Cambridge had published under the patronage of Archbishop Bancroft a law Cowell's Interpreter. dictionary called the Interpreter. It supported the king's absolute power. Under the title, king, it was stated. "He is above the law by his absolute power, and though for the better and equal course in making laws he do admit the three estates unto council, yet this in divers learned men's opinion is

absolute power, and though for the better and equal course in making laws he do admit the three estates unto council, yet this in divers learned men's opinion is not of constraint but his own benignity, or by reason of the promise made upon oath at the time of his coronation. And though at his coronation he take an oath not to alter the laws of the land, yet, this oath notwithstanding, he may alter or suspend any particular law that seemeth hurtful to the public estate." The Commons were enraged at this and other similar opinions

about the king, prerogative, parliament, law. James however prudently caused the book to be withdrawn by a proclamation in which he exalted the royal dignity to a level with the Deity. He agreed however that he was a king by the Common law of the land and that he had no power to make laws of himself or to exact any subsidies de jure without the consent of his estates.

The Court of High Commission had usurped powers fining and imprisoning not belonging to their jurisdiction, of passing sentences with-Court of High Comout appeal, of interfering frequently mission. with civil rights and adopting irregular procedure. The remonstrance of the Commons against the proclamations had a salutary effect. Sir Edward Coke who was the Chief Justice and three Case of proclamation. other judges who were consulted gave their opinion that the king could not change any part of the Common law or statute law or custom of the realm nor create any new offence by his prohibition or proclamation which was not an offence before without parliament, for then he might alter the law of the land in a high point, for if he may create an offence where none is, upon that ensues fine and imprisonment. But the king might admonish his subjects to keep the existing laws on pain of punishment to be inflicted by the law. Further, the king could not by proclamation make an offence punishable in the Star Chamber, if it were not already by law under the jurisdiction of that court. They also formally declared that the king had no prerogative but what the law of the land allowed him. Thus judges firmly stated what was their right opinion and checked the king's arbitrary power. The Commons had stated that they wanted "to be guided and governed by the certain rule of the law and not by any uncertain or arbitrary form of government." The king promised that his proclamations would go no further than was warranted by law.

The Commons also enumerated other grievances

Other grievances. Prohibition and habeas corpus, the jurisdiction of the Council of Wales, some patients of monopolies and a tax under the name of license recently set upon victuallers which last he promised to revoke. The Commons also wanted to get abolished the troublesome incidents of tenure in chivalry and the right of purveyance. It was agreed between the parties after some negotiations that the king should receive the sum of £200,000 annually

as compensation for the abolition of both these sources of revenue. This agreement was called the Great Contract of 1610. But on the adjournment of parliament the Commons got luke-warm about the proposal because they felt afraid of giving the king a permanent grant of disproportionate revenue. The king on his part was not eager to diminish his feudal prerogative and independent source of revenue. Therefore the contract fell through. The king dissolved this parliament which had sat for nearly seven years in 1611 on its refusing to vote supplies before redress of all its grievances. Its differences and grievances were not settled.

From 1611 to 1614 James ruled without calling a parliament. But his financial difficulties remained unsolved. His own personal extravagances and his prodigal grants to court favourites involved him in a

James without diture superseded the usual crown revenues. Therefore he made great

efforts to get money by non-parliamentary methods. Loans on privy seals were demanded from those able

to pay. The arrears of fines inflicted

His non-parliamentary in the Star Chamber were rigorously exacted. An old debt from the king of France was realised. The Dutch were prevailed upon to pay their old Elizabethan debts by instalments. Several peerages were sold and a new order of hereditary knights, called baronets, was created and sold. Large sums were realised by the sale of crown lands. But these temporary expedients proved inadequate.

The king was advised by Francis Bacon and Sir Henry Neville to call parliament. There was also an idea of packing parliament to be carried out by these "Undertakers" who were to influence election. The

His second parliament a determined spirit of redressing its grievances before it granted supplies.

The Commons passed a unanimous vote against the king's right of impositions without the consent of parliament, and demanded a conference on the subject with the lords who refused and who, as Hallam says, preserved a kind of mediating neutrality throughout this reign. The king sent a message asking for a grant of immediate supply, if not of dissolving parliament. The Commons declared that they would first deal with the question of impositions and then of supplies. James dissolved it. It had sat for two months only and did not pass a single bill and therefore was nicknamed "Addled parliament." James sent to the Tower four members for the warmth of their language. Five others were ordered not to leave London without permission and four others were punished by dismissal from the commission of the peace. This action of the king increased the breach with the House of Commons.

From 1614 to 1620 James ruled arbitrarily without parliament. To meet his financial needs he secured

James' personal government and financial expedients. forced loans, gave monopolies, inflicted heavy fines and exacted rigorously old feudal dues. He alsoordered a general benevolence or

voluntary contribution to be realised from all in the kingdom under the letters of the council. Benevolences which were in theory free gifts were unpopular with

all parties because they were often compulsory. The court party did not like to pay and the parliamentarians considered it to be a non-parliamentary and therefore an illegal source of revenue. In the Richard III's reign there was an act passed in 1484 to free subjects from benevolences. But they were levied occasionally. James

Forced loans.

Forced loans.

Forced loans.

Forced loans.

James borrowed money frequently.
They were as a rule paid but not always punctually. Sometimes the money was borrowed from individuals and sometimes it was levied throughout the country. They were stopped by the Petition of Right under Charles I.

Bishops, courtiers and the city of London granted the benevolence but comparatively a small sum was

Oliver St. John's case. collected in the kingdom with much difficulty and great pressure. Mr.

Oliver St. John replied in his letter to a demand for contribution that all such contributions were contrary to the Magna Charta and other statutes including that of Richard III, and were also contrary to the refusal of the Commons in parliament to grant any supply. He charged the king of breaking the coronation oath and declared his belief that all who paid the benevolence were supporting the sovereign in perjury. He was committed to the Tower for this and was sentenced by the Star Chamber to pay a fine of £ 5,000 and to be imprisoned during the king's pleasure.

During this period James came into conflict with the Chief Justice Coke in a number of cases in which he wanted to interfere before the trial took place. Coke resisted this attempt and procedure. At the present day constitutional questions are always decided by parliament. In the seventeenth century constitutional questions arose as to the exact limits of the authority which the king and parliament were respectively to enjoy. It was impossible for parliament to decide these questions then, because the king and the Commons were at war with each other and therefore no legislation was possible. The Commons would never decide a disputed point in favour of the king. Similarly the

king would not accept the partial verdict of the Commons. Hence the judges began to claim that they should decide between the rights of the king and those

of parliament, and assign the exact limits to each. The

judges wanted to be arbiters of the constitution and Common law. James regarded the judges, in the words of Bacon as 'lions under the throne,' that is, as king's servants, and considered himself the proper authority to decide disputed points. In the post-nati case (1606) and Bates' cases (1606) the judges of the Exchequer had declared in king's favour. But it seemed likely that the judges of the King's Bench and Common Pleas might deprive the king of other rights by judicial decisions as in the case of prohibitions (1607) and in the case of proclamations (1610). Bacon asserted that the king's prerogative was a part of the 'law of the land mentioned in the Magna Charta and the king himself could decide disputed points. Coke on the other hand confined the king within Chief Justice Coke. the law. What that law was the judges, being the exponents of the law, could alone decide. He strongly opposed the idea of the subservience of the judges to the king. He held that the king. was bound by the law which it was the duty of the judges fearlessly to assert. In the matter of prohibitions the clergy, as noted above, resisted the claim of the judges of the Common Case of prohibitions. law courts to issue prohibitions to the High Commission court stopping a case until that court could show that the case really fell within their jurisdiction. The clergy held that their jurisdiction was derived immediately from the crown and therefore their courts were independent of any Common law court and could not be interfered with, 'that the judges were but the delegates of the king and that the king might take what causes he should please to determine, from the determination of the judges and might determine them himself." The Kings' Bench issued a prohibition forbidding the High Commission Court to try Fuller who was charged with

Fuller's case.

Fuller's case.

The king interfered, and while the judges maintained that they had the right to decide whether the High Commission Court was competent to

exercise jurisdiction in a particular case, they nevertheless admitted its right to try cases of schism. The judges were really overthrowing the king's independent ecclesiastical jurisdiction. In this case of prohibitions Coke had stated that the king in his own person could not adjudge any case but it ought to be determined and adjudged in some court of justice by judges according to the law and custom of the land. In the case of proclamations (1610) also as noted above the judges

Case of proclamations.

Case of proclamations.

declared that new offences could not be created by proclamations nor old laws altered. The king could only admonish the subjects to keep the laws and had no prerogative but what the law of the land allowed him.

Coke also objected to the interference of the Chancery court in his Common law jurisdiction. The Chancery used to interfere in a number of cases. If the Common law courts failed to do Chancery and Commjustice on account of the strictness on law courts. of its rules, the practice was to seek redress in Chancery. The king decided in favour of Chancery in the Swindler's appeal case. The case was of constitutional importance because the chancellor who was the head of the Chancery court was a political officer dependent on the king and therefore the king could get cases in Chancery decided as he wished. Therefore he did not wish to prevent appeals going to Chancery. Coke's objection was based on the words "in autri court" in the statute of Praemunire which he interpreted as "in any other court" but they really meant "in the court of another" sovereign.

The king also directly interfered in a number of cases. In 1615 the Government wished to prove a man called Edmund Peacham, who had made offensive references to the king and his ministers in an unpublished manuscript treatise in the form of a sermon unpreached, guilty of high treason, and so James wanted to consult the judges of the King's Bench individually and privately, and to

influence their opinion. Coke objected that "such particular and auricular taking of opinions was not according to the custom of the realm." Peacham, however, was brought to trial and found guilty, but not executed. He died in prison a few months after.

There was another case. The king in 1616 granted a living to Bishop Neile of Lichfield to be held in

commendam' that is, along with The case of Commendams. and in addition to his bishopric. Two persons brought an action against the bishop declaring that the presentation belonged to them and disputed the king's general prerogative of making such a grant. James ordered by sending letters the judges of the King's Bench to suspend the judgment until he consulted with them, since the matter was one in which the crown was interested. The judges assembled and by a letter subscribed with all their hands, certified his majesty that they were bound by their oaths not to regard any letters that might come to them contrary to law, but to do the law notwithstanding. James however commanded and forced the twelve judges to appear before him in the council chamber and asked them whether they would always stay proceedings where his prerogative was concerned. He also observed that he had a double prerogative whereof the one was ordinary and had relation to his private interest which might be disputed, the other was of a higher nature, referring to his supreme and imperial power and sovereignty which ought not to be disputed or handled in vulgar argument. Upon this the judges fell upon their knees and acknowledged their error. But Coke replied "he would do what should be fit for a judge to do." The king sent them away and ordered them not to suffer his prerogative to be wounded. Coke was suspended from office and later on dismissed in 1616. But he was restored to the Privy Council in 1619. He did not allow reasons of state to interfere in the adminstration of justice. The result of his dismissal was that the royal prerogative was safe from any attacks in the court of law, for the king had shown that if a judge displeased him he would

be dismissed. The judges henceforth proved subservient. But the royal prerogative could no longer obtain that moral support which it had hitherto received from the judgments given by independent judges. The defeat of the judges left the king and parliament face to face, and this meant that questions between them were to be settled on political rather than on legal grounds. The Stuarts secured the prestige of legality from the judges as Richard II had done in 1387 and not from parliament as the Tudors had done. The Crown's power to imprison as it liked was declared legal. The judges were removed if they were not compliant and were kept "durante bene placito regis," that is during the pleasure of the king and not "quamdin se bene gesserint" that is as long as they behaved well.

The Star Chamber Court acted very arbitrarily during this period. It encroached upon personal rights

Arbitrary acts of the Star Chamber. and disregarded many laws and liberties. Habeas Corpus was not granted in many cases. One Mr.

Fuller, a bencher of Gray's Inn who asked for it was himself committed to prison and died there without trial. Archbishop Bancroft was responsible for his arrest and detention without trial and against law. The Council was the chief instrument in a number of

Illegal trials. such illegal trials and imprisonments.

The supposed offence was always.

declared to be one against the king's prerogative and therefore high treason. There were no regular and lawful trials in proper courts. The king's writ of 'per speciale mandatum regis' or by the special order of the king used to stifle the provisions of the Habeas Corpus. There was no cause shown in these general writs. The judges however considered it sufficient to allow the detention of the prisoner on the issue of such writs.

The king's foreign policy was equally arbitrary as his domestic policy and was irritating to the people.

His desire for peace with Spain during the Thirty Years' War in Europe was against the wishes and

interests of Englishmen. Spain was the supporter of Papacy, absolutism and Roman Catholicism. The Dutch were Protestants and were fighting for their independence and religion, so also were the Northern German States. James wanted to support the Divine Right of kings to rule their subjects and Spain was the lawful severeign of the Dutch. He also wanted to enter into a match for his son Charles with the Spanish Infanta. This policy of alliance with Spain and the execution of Sir Walter Raleigh in 1618 under a sentence of treason passed fifteen years previously created great discontent. The nation wanted to support the Protestant interests in Germany by force of arms. In this state of affairs in England and when Frederick, Elector of Palatine, son-in-law of James was driven from his kingdom 1620, the ministers advised the king to take advantage of the war enthusiasm and summon a new parliament. James reluctantly summoned his third parliament in 1621.

The Commons made a complaint of the imprisonment

of four of their members after the dissolution of the parliament of 1614 for words spoken in the House.

But this complaint was dropped as the king assured that he would failthfully maintain the member's privilege of freedom of speech. Two subsidies were then voted. Sir Edward Coke proposed a motion for a committee of inquiry into grievances. It directed its attention to the abuse of monopolies, which included licenses for exclusively carrying on certain trades. Sir Giles Mompesson who having obtained an exclusive patent for gold and silver thread sold it of baser metal. He had another patent for licensing inns and alehouses in which he used extreme violence and oppression. The House of Commons investigated his conduct, and revived the process of impeachment to try him and his associate Mitchell who was a justice of the peace. Im-

Revival of impeach-

peachment had not been used since the time of William de la Pole, Duke of Suffolk (in 1449). Under

the Tudors there was no serious opposition to the sovereign. Officials were generally punished by a bill of attainder by the Tudors when they wished to punish an obnoxious person. Under the Stuarts differences and opposition between the king and parliament increased and led to the revival of impeachment. Mompesson and Mitchell were impeached for gross fraud and oppression in monopolies and sentenced heavily. There were also impeachments of Sir John Bennet, a judge of the prerogative court, for corruption in his office, and of Dr. Field, a bishop, for being concerned in a matter of bribery. These were private persons. Francis Bacon who had become Lord Chancellor in 1618 and who was a faithful minister of the king was impeached for accepting bribes from the suitors of his court. Bacon confessed his guilt and was imprisoned, fined and declared incapable of holding any office. The king remitted his fine and imprisonment.

The Commons who were against the Roman Catholic cause in Europe and were favourable to the Elector Palatine accused one Edward Floyd, a Roman Catholic

barrister, of exulting over the Roman Catholic successes in Europe and of speaking slightingly of the Elector and his wife and condemned him without trial to pay a fine of £ 5,000 and to suffer other humiliating penalties. But the Commons had no judicial power. The king sent a message to them to that effect. Floyd was not a member of parliament nor had offended against the House nor any member of it. The Lords considered this act of the Commons as an infringement of their judicial privileges and requested a conference with the Commons who agreed that Floyd should be tried and judged before the Lords and recorded in their journals that the proceedings of the House should not be "drawn or used as a precedent to the enlargement or diminishing of the lawful rights and privileges of either House." It had no share in the highest function of a court of law, namely, the giving of the final judgment and punishments.

Uptil now the king and parliament did not come into conflict. Parliament did not vote any further supplies and was inquiring into some of the abuses and their reform when James adjourned it for five months. On its meeting again the House agreed to one subsidy of £ 70,000 but the king had asked for one of £900,000 for maintaining a sufficient army to help in the restitution of the Palatinate. The sum granted was not sufficient, but the Commons were suspicious of the king's unwillingness to undertake the war. The Comprons then drew up a petition pointing out to the alarming growth of Popery and Common's attack on praying for a Protestant marriage the foreign policy of for the Prince of Wales instead of the king. a marriage with a Roman Catholic Spanish princess and for a war against Spain. This petition was proposed by Sir Edward Coke. It tried to interfere in the foreign policy of the king which was purely a matter of his prerogative. The king who came to know of the petition before it was presented wrote a peremptory letter to the speaker informing the House "that none therein James' strong letter. shall presume henceforth to meddle with anything concerning our government or deep matters of state". This included the matter of the Spanish marriage. He also declared that "we think ourself very free and able to punish any man's misdemeanours in parliament as well during the sitting as after; which we mean not to spare hereafter, upon any occasion of any man's insolent behaviour there that shall be ministered unto us." The House of Commons did not yield. It presented in reply a second petition in which they prayed the Commons' Second king to acknowledge "the ancient petition. liberty of parliament for freedom of speech, jurisdiction and just censure" which they asserted was their "ancient and undoubted right and an inheritance received from our ancestors." They also hinted gently that they could not conceive his honour

at any time unfit for their deepest consideration in time of parliament. The king in reply remarked about their unfitness for entering on matters of government and stated "that their privileges King's reply. were derived from the grace and permission of his ancestors and himself for most of them had grown from precedent which rather showed a toleration than inheritance; yet he gave them his royal assurance that as long as they contained themselves within the limits of their duty, he would be as careful to maintain their lawful liberties and privileges as he would his own prerogatives, so that their house did not touch on that prerogative which would enforce him or any just king to retrench their privileges." The Commons answered these claims of the king in their famous Protestation of 18th December, 1621, recorded in their Journals. They could not tolerate the king's assertion that their privileges existed Commons Protestation. only on sufference and conditionally upon good behaviour. They boldly asserted "that the liberties, franchises, privileges and jurisdictions of parliament are the ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the king, state and the defence of the realm, and of the church of England, and the making and maintenance of laws, and redress of mischiefs and grievances which daily happen within this realm, are proper subjects and matter of counsel in parliament, and that in the handling and proceeding of those businesses, every member of the house hath, and of right ought to have freedom of speech to propound, treat, reason, and bring to conclusion the same, that the Commons in parliament have like liberty and freedom to treat of those matters in such order as in their judgments shall seem fittest; and that every such member of the said house hath liked freedom from all impeachment, imprisonment and molestation, other than by the censure of the house itself, for or concerning any bill, speaking, reasoning or declaring of any matter or matters touching the parliament, or parliament business." The

king prorogued parliament and sending for the journals of the House of Commons tore out the leaf on which the Protestation had been recorded in the presence of the council. Then he dissolved it. Some leading members, such as Coke, of the House were committed to the Tower, others were banished or sent to prison. A portion of the Upper House had also united in opposing the court.

In the marriage negotiations with Spain the king had promised to suspend all penal laws against the Catholics, to permit the exercise of their religion in private houses and to procure from parliament if possible, a legal toleration. The king did not show any signs of fearing public opinion which was against the marriage and toleration to Roman Catholicism.

James' fourth parliament met in 1624. He was in a conciliatory mood and submitted for the consideration and

His fourth parliament. advice of parliament the matrimonial negotiations with Spain and the desirability of entering into a war for the recovery of the Palatinate. He promised to put the money if granted into the hands of treasurers appointed by the Commons and to treat of peace on taking their advice. The Commons voted three subsidies and three fifteenths in value about £ 300,000, and eight citizens were appointed as treasurers and ten other selected persons as a council of war, all of whom were to be responsible for their conduct to the Commons in parliament. The Commons again asserted their constitutional right of

impeachment of Earl of Middlesex. Cranfield, Earl of Middlesex, who was the Lord Treasurer of England, for bribery and other misdemeanours. He was unanimously convicted by the Lords. This parliament passed the "Act concerning monopolies and dispensations with penal laws and forfeiture thereof". All grants of monopolies and all commissions, grants, licenses, charters and

Act against mono-

letters patent for buying, selling, making, working or using of anything were declared to be altogether

contrary to the laws of the realm and utterly void. Only the granting of letters patent for new inventions for a

term of fourteen years were exempted.

Tenths, fifteenths and subsidies were extraordinary taxes voted by parliament. At first they were taxes on goods and not on land. Fifteenths and tenths became fixed in amount in the fourteenth Tenths and fifteenths. century (1332) and practically were a tax upon holders of lands and tenements of a definite value, amounting to about £ 39,000. Supplementary taxes were called subsidies which were direct parliamentary taxes of four shillings in the pound on the yearly value of land and of two Subsidies. shillings and eight pence in the pound on goods and levied from 1514. Tenths and fifteenths disappeared after 1624. Subsidies survived till 1665. Each subsidy was worth about £ 70,000. These grants were to be applied for certain specified objects and for no other. For this purpose treasurers who were to be responsible to parliament used to be appointed.

The Commons who were engaged in asserting their own privileges and the subjects' rights had by the

The work of parliarecord a protestation of their claim

to debate all matters of public concern, protested against proclamations and impositions, secured their right of determining disputed elections and the abolition of monopolies, revived the right of impeachment and maintained its right to control finances and to discuss foreign policy in addition to those of taxation, religion and home policy. James had failed to grasp the new situation in the country and the new aspirations of his people. He showed an utter disregard of the privileges of the House of Commons and wounded their vanity by his talk of divine right and absolute prerogative. James refused to give up what the people wanted and the people detested what James believed. There was no identity of interests and ideals between them. Hallam says "a deep and lasting love of freedom had taken hold of every class, except perhaps the

clergy". James and his successor would not yield to

this feeling.

Under Elizabeth prerogative seemed to denote the total amount of official rights and powers possessed by any person in authority. Every official had his special privileges and jurisdiction. Thus Prerogative. the prerogative of the crown meant the rights, immunities and powers enjoyed by the sovereign alone. It included his precedence of all persons in the realm. His privileges rested on his office and its inherent duties and were sanctioned partly by custom and precedent and partly by statute. They were known and definite. They did not mean Known and defined an overriding power over law. It rights. was law which limited their extent. From the time of Bracton till that of Selden and Coke this was the view of the lawyers and judges. The rights of veto, of appointing and dismissing ministers, of ordering out the army and of pardoning prisoners were recognised and known royal prerogatives. Besides these there were the undefined rights of Undefined rights. the crown to meet special circumstances which were not provided by the existing law and custom and to act for the good of the state. In order to protect or save the state the sovereign might be forced even to override the law or to act without it. It is this indefinite power to act "out of the ordinary course of Common law" which was regarded by Blackstone as the essence of the royal prerogative. On this vague and undefined province law and custom gradually encroached both in the interest of the sovereign and of the subject and thus narrowed it. But within the sphere of this prerogative, whatever remained, the king was free to act. This province of the royal prerogative was very

large in the days of the Tudors and the Stuarts. If the sovereignty resided in the king-in-parliament according to Sir Thomas Smith, that is, in the crown and the estates, then the question Royalists' view. arose as to who was to decide in case of conflict or disagreement. There were three views.

The royalists were for absolute monarchy unrestricted by law and limited only by its own sense of the safety of the people. The king was not an official but an absolute ruler. He had power to suspend law. Cowell described the prerogative as that especial power, preeminence or privilege that the king hath above the ordinary course of the Common law. Parliament had little power without king when judged by its origin. James had declared that his prerogative was twofold, one ordinary, which might be and was made the subject of frequent dispute in the law courts, the other higher, his supreme power and sovereignty which could not be so disputed. He was responsible to God alone. If the crown was to defend and to preserve the community in times of distress, then it was absurd to put limitations on the efficient working of his powers. There must be a definite sovereign power, unlimited, indivisible and irresponsible. If the king was to be that sovereign power nobody else can be the sovereign.

The parliamentarian view was that the true sovereign in a country was not a personal king but the official king, that is, the king acting with parliament, and that the royal power was held by a contract in which the king was bound to conform to his promises made in the coronation oath and charters and to be responsible to them. It is perfectly true that the legal sovereign must be above all law and that having made the law it can alter it, but it is the king-in-parliament. The king is not above law in the sense that he can disregard all law. The king can make law as a sovereign but it binds him as a person. He is not above law.

The legal view was that law was supreme over the king and over everybody else. The judges said that "the crown has no prerogative except such as the law permits."

In person the sovereign was inviolable, no law court could try or punish him. Everything he did was done by a minister responsible to parliament. But the

mistake lay in arguing that emergency power was a permanent or ever-present power. It was not a personal power,

Bacon propounded the theory of government of the Stuart period. It was that the sovereign should be a patriotic king who should Bacon's theory of be assisted by the wisest men of the kingdom as councillors and ministers. In order that the king might preserve his independence it was necessary that he should have sufficient revenue for ordinary purposes, that he should be able to control the hard technicalities of the judges by his court of Chancery and that he should supplement the weakness of his criminal justice by his court of Star Chamber. Bacon had the greatest admiration for the royal prerogative which should enable the sovereign to act as occasion might require without being bound to an antiquated restriction of law. Monarchy represented the cause of intellect in the eternal battle against ignorance, pedantry and routine. He had no wish to dispense with parliament through which the government could learn the wishes and grievances of the nation. He fixed his hopes upon the sovereign in council rather than upon the House of Commons. The Commons were unfitted, unorganised and inexperienced. looked to the Privy Council which was to be free from parliamentary restrictions. He believed in irresponsible government. He considered that the judges must protect the royal power and were 'lions under the throne.' They had no right to hold a position of independence. They could not be the supreme arbiters of political or constitutional questions. The crown was to be the final arbiter. He gave great latitude to the royal prerogative and wished the king himself to decide disputed points. Bacon was a chancery lawyer and was in favour of good government rather than the rights of Magna Charta.

## CHAPTER IV.

## THE STUART PERIOD (1625-1649)

2. The Breach with Parliament and the Civil War.

Charles I (1625-1649) like his father believed in the divine right of kings and did not recognise the necessity of parliamentary support. He was a firm believer in the doctrine of absolute sovereignty and resisted every attempt of the Commons to get control over the appointment of ministers. He failed to appreciate the ideas and the position of the parliamentary party and the temper of the people. He was obstinate by

temperament and lacked statesman's imagination and and insight. He resisted when he ought to have yielded and he yielded when he ought to have resisted. He was sincerely religious and believed in episcopacy. His difficulties were of finance because the royal expenditure had increased but not the royal revenue. James had created heavy debts. Charles did not want to depend

on parliament and could not practice severe economy. He was a poor financier and was in continual financial difficulties owing to the cost of wars and the opposition of parliament. He inherited his religious, political and

financial difficulties from his father.

By this time there had developed a close connection between religious and political questions. The Puritans were steadily increasing and becoming influential amongst the smaller gentry. They were strongly opposed to the toleration of the Roman Catholics and to absolute monarchy and episcopacy. They were closely united and formed a political and religious party in parliament. The Anglicans believed in the doctrine of real presence, in the idea of the church as the medium of God's influence on the individual, in paying attention to rites and ceremonies,

in the use of pictures, stained glass windows and music, in the obsevance of church festivals, in the expediency of sports on Sunday afternoons and in the Arminian doctrine of free will as against the Calvinist doctrine of predestination. They looked to the crown for support and therefore supported the cause of absolutism and strengthened the high church movement. They believed in the presecution of other sects and especially the Puritans.

Charles who married Henrietta Maria of France two months after his succession promised toleration and favour to the Roman Catholics. This irritated parliament. It wanted strict execution of penal laws against recusants and measures for advancing the protestant faith. Steady opposition by parliament to the royal power both ecclesiastical and constitutional was growing. It asserted its own powers and privileges by making supplies depend on redress of grievances and on grant of its own demands.

The extreme need of money due to war with Spain and France led to the calling of the first parliament in

1625. The Commons granted in Charles' first parliament. the first session two subsidies and tonnage and poundage for one year only instead of for life as before. The Bill did not pass the Lords. Charles disliked this time-limitation on the 1-6-6 grant. Parliament did this because none of the chief grievances of the last reign were yet redressed. In the second session, Eliot, Pym and Wentworth attacked Dr. Montague, the king's chaplain for preaching Arminianism in his "Appello Caesarem" and George Villiers Duke of Buckingham. The king dissolved his first parliament to prevent the Commons from gaining control over his ministers. He appointed the leaders of the first parliament, Wentworth and others, as sheriffs and thus incapacitated them from sitting in the second parliament. He

was, however, compelled to call his His second second parliament in 1626 owing to parliament. his urgent need of money. Owing to the absence of Wentworth and other leaders, Sir John

Eliot became the leader of the opposition. His political creed was that parliament and not the king should govern. Parliament appointed three committees for inquiring into religion, grievances and evils. It impeached

Montague for his religious opinions. Its grievances. Eliot and Digges attacked Buckingham for mismanagement of revenue, fc selling offices, for loans of ships to France, etc. "By him came all our evils." These proceedings involved the revival of the theory of ministerial responsibility or calling the king's ministers to account. The king summoned the Commons to his presence and warned them not to question any of his servants. He said, "certain it is that I did command him to do what he hath done therein. I would not have the house question my servants, much less one that is so near me. Remember that parliaments are altogether in my power for their calling, sitting and dissolution, and therefore as I find the fruits of them good or evil, they are to continue or not to be." The king assured them that the Duke had done nothing without his own special direction and appointment. Parliament protested against this. It asserted "the ancient, constant, and undoubted right and usage of parliaments to question and complain of all persons, of what degree so ever, found grievous to the Commonwealth, in abusing the power and trust committed to them by their sovereign". It impeached Buckingham. Eliot and Digges were imprisoned in the Tower by the king but were released owing to a protest of parliament. The king then dissolved the second parliament to save Buckingham without having got any grant of money. Earl of Arundel who was also committed to the Tower was released on the Lords resolving "that no lord of parliament, the parliament sitting, or within the usual times of privilege of parliament, is to be imprisoned or restrained without sentence or order of the house, unless it be for treason or felony or for refusing to give surety for the peace". The Commons had voted five subsidies in this session but they had delayed passing the bill till their

complaints were satisfied. The king levied tonnage and poundage without the sanction of parliament. Fines

King's unlawful taxation.

were exacted for recusancy. A voluntary loan under letters of privy seal failed and forced general loans

were taken in place of subsidies arbitrarily, but they were declared unlawful by judges. The common people refused to pay them. Several of the gentry were committed to prison for refusal. Amongst them, were

Darnel's case or the case of Five Knights

Darnel, Hampden and three others.
Their trial is called the case of Five

Knights. They sued the court of king's bench for the writ of habeas corpus. The writ was granted and the return made on it was that they were detained by a warrant from the privy council with no particular cause of imprisonment but 'by the special cammand of his majesty'. On behalf of the accused it was contended that no verbal order of the king nor any under his sign manual was a command which the law would recognise as sufficient to arrest or detain any of his subjects; a writ only issued under the seal of a court being the only language in which he could signify his will. The king's side urged the reason of state and asserted that the commitment was not in a legal and ordinary way but by the special command of the king under his prerogative power. Though the judges decided in favour of the crown that the return was sufficient, they expressed so much doubt as to the king's right permanently to imprison that Charles' authority in the matter was considerably shaken. The judges treated the king's power as something exceptional to be employed in special cases. and though they were willing to trust the king to judge when such a crisis existed, they were unable to regard arbitrary imprisonment as an ordinary instrument of government. There ought to be due process of law in common law courts and in the council of the king. There were also other illegal measures resorted to by the king. Common men were pressed into the army, martial law was used to control

illtrained levies, and troops were quartered on local communities.

In 1628 the third parliament was called with great reluctance. for raising money for the war. In the first session its leaders were Eliot and Wentworth. Its grievances related to unparliamentary taxation

which the king was raising at his own will and pleasure, to arbitrary imprisonment, to the billetting of troops upon common householders, to the enforcement of martial law in peace times, to excesses of power and to the denial of restraints of law upon the crown in the preaching of the high church clergy in the Mainwaring's sermon and to the doctrine of passive obedience. Mainwaring preached that the king might take the subject's money at his pleasure and that no one might refuse his demand. He was impeached and punished and declared unfit for any ecclesiastical dignity. The king pardoned him. Parliament wanted the redress of grievances to precede supplies. The House of Commons passed four resolutions, one against taxation without parliamentary grant and three others on arbitrary imprisonment. The Petition of Right was prepared by Eliot, Coke and Selden. It claimed to be a statement of ancient rights based on the Magna Charta and other statutes. It did

clauses were (1) that exactions of "any gift, loan, benevolence or tax without common consent by act of parliament" were illegal, (2) that imprisonment without cause shown was illegal, (3) that soldiers and sailors were not to be billetted on private houses and (4) that proceedings by martial law were contrary to the law of the land and hence to be abolished. The king was forced to give his assent to it in the usual words "soit droit fait comme est desire" that is, that right should be done as is desired. At first he had given a vague assent "that right should be done according to the laws and costoms of the realm." It was not a statute but a matter of record.

The Commons then granted five subsidies and presented a remonstrance against the favour shown to Catholics and the growth of Arminianism and made a fierce

attack on Buckingham.

The Petition of Rights robbed the absolute power of its most dangerous weapons. It was based on the ancient laws, and made no encroachimportance. ments on the established prerogative of the crown. It did not at all touch the question of religion or impeachment. It however raised the important question whether the royal prerogative which was admittedly necessary in time of disturbance was a part of law or above law and propounded a theory of the constitution. It was the theory of the rule of law by an appeal to old law. The law was supreme and the executive was not to go beyond it. It involved the constitutional principle that the king in parliament was superior to and sovereign over the king-in-council. The legislature was to control the executive.

It drew a definite line between prerogative and law. It reduced king's prerogative powers and set limits to them. The Stuarts wished "to make the medicine of the country its daily food." They had made arbitrary and high handed acts a daily practice of the constitution and based this practice on the theory of monarchical absolutism in the matter of law

and liberty.

Parliament was only politically or morally right in the dispute about tonnage and poundage and impositions. The king had the legal right and precedents in his favour. The Petition did not contain any reference to indirect taxation, that is, tonnage and poundage and impositions. It named only gifts, loans and benevolences. But there was a separate remonstrance in 1628 against tonnage and poundage and impositions levied without the consent of parliament. It was stated to be a breach of the fundamental liberties of this kingdom. Before it was delivered the king prorogued parliament and told the Commons that he never intended to give away tonnage and poundage

which he was levying without the bill having been passed He distrained the goods of those merchants who refused to pay the demands of the custom-house. He made Laud and Montague, who belonged to the high church party of Anglicans advocating the divine right of episcopacy and the independent jurisdiction of ecclesiastical courts, bishops of London and Chichester. They taught the highest doctrine of prerogative. There was thus added a dispute about doctrine and discipline to the dispute about surplice. Puritans were being persecuted under Bancroft's archbishopric. The king added a declaration to the articles of religion insisting on uniformity and supremacy.

ham was assassinated by Felton. Wentworth joined

Wentworth went over to the king's party. He was in favour of strengthening the power of the crown and not in unduly limiting

it. He had no belief in parliamentary theory of government. When he saw the illegal conduct and foreign policy of Charles and Buckingham were weakening the authority of the crown he joined the opposition in order to overthrow the government and policy of Buckingham and to get himself into power. He had never agreed thoroughly with Pym and Eliot. He was not a Puritan.

In the second session of the third parliament (1629) strong protests were made against the promotion of Laud and Montague and the arbitrary levy of tonnage and poundage which were not formally granted. Speaker Finch who tried to stop the discussion by order of Charles was held in his chair by Holles and Valentine. The Commons passed

Eliot's three resolutions as a protestation declaring whosoever should bring innovations in religion, who-

soever should advise the levying of tonnage and poundage without parliamentary grant and whosoever should voluntarily pay such illegal taxes should be regarded as an enemy to the kingdom. The king dissolved

parliament, and proclaimed that "the calling, continuing and dissolving of parliament was always in his own power." Immediately after he got.

Case of Eliot, Holles and Valentine.

Power." Immediately after he got.

Eliot, Holles and Valentine imprisoned for their conduct in parlia-

ment, being accused of contempt of the king and stirring up sedition. Eliot refused to plead before the judges of the king's bench because parliament alone could try offences committed in parliament. Strode's case (1512) was cited. King's friends maintained that the House of Commons was not a court of justice, that the offences committed in the House might be questioned after dissolution and that it was a case of breach of the peace and therefore not covered by privilege. Other accused submitted to the jurisdiction of the king's bench but Eliot refused, was fined £2,000 and died in prison in 1632 a martyr to the cause of parliamentary privilege. The judges of the court acted as mere instruments of the royal will. Leaders of parliament asserted the illegality of arbitrary detention, of compulsory loans, of tonnage and poundage levied without consent of parliament and thus were for the liberties of the subject.

From 1629 to 1640 Charles ruled arbitrarily without calling parliament. He hated its very name. There

Charles' personal rule. were left no other means for him of knowing the wishes of the people. His chief advisers were Wentworth and Laud. Went-

worth was made President of the Council of the North and in 1633 Lord Deputy of Ireland. He was devoted

wentworth's career and views. to the person of Charles and believed that no form of government was as good as that of a wise des-

potism. He was really anxious to improve the condition of the poor and his administration of justice took no account of the wealth or position of those he had to judge. His system of government was nicknamed by him and Laud as 'Thorough.' It meant the resolute determination of going through a certain plan and was

Policy of Thorough. based upon the belief that the end justified the means. It also meant

devotion to the service of the king and state and disregard of the private interests and personal ends of individuals, classes or parties in the state in their larger interests. His idea was of benevolent monarchy. The king was to govern for the good of the people and to employ the most able men in the state. There was to be justice without respect of persons. Wentworth wished by economy, by administrative reform and by severe repression of all criticism and censure to render the sovereign independent of all control. He believed in the practical reforms of the abuses of society, such as the relief of debtors and the execution of poor laws. As the House of Commons could not be helpful in carrying them out he detested the idea of parliamentary supremacy. He regarded the members of parliament as unorganised, the lawyers unfit to govern and to reform, and the country gentleman selfish and tyrannous. He would rather appeal to the people outside the House of Commons by means of his reforms. In his desire to do good he showed no respect for established institutions. He regarded all constitutional restraints as mere impediments to his honest measures and actions. He was extremely able but acted in a high-handed fashion and was a traitor to the principle of responsibility of government. He wanted to make the government absolute in order that it might be a better machine for doing good. This meant that the government would cease to be answerable for its faults and would be independent of the people. His army would fight for a good as well as bad government. This lack of sympathy and contact between the governors and the governed led to the failure of his schemes. There could be no willing cooperation between them. His principle was everything to be done for the people but nothing by them.

William Laud who was made Archbishop of Canterbury in 1633 had similar views and believed in the system of Thorough. He was learned, pious and honest but narrow-minded. He failed to appreciate popular feeling and

was overbearing and devoid of imagination and tact. He was a strong Arminian and a high churchman who wished to assert the divine right of episcopacy and believed that uniformity was absolutely necessary to secure unity. If the people were to use the same ceremonies, he held, they must come to believe in them. Therefore he laid great stress on uniformity of ceremony and did not trouble himself about training preachers. Men were to be taught through their eyes and not by immediate appeal to their heart or intellect. He was unsympathetic, had no respect for the scruples of others and cared only to secure obedience. The support of the crown was essential for this and he therefore upheld fully the king's absolute power and the close connection between the church and the crown.

While Wentworth attacked parliamentarism in the state, Laud attacked Presbyterianism in the church, for, both were regarded as two forms of the same evil, namely, the rule of the ignorant many over the wise few. They had no respect for the prejudices of their age. They disregarded established practices and institutions. The result of their policy and methods was

that they drove the people into revolt.

During these years of his personal government Charles also depended on the support of the law courts. He used the extraordinary courts, namely, the Star Chamber, the High Commission Charles' illegal acts. Court and the Council of the North to punish offenders and opponents of his personal rule. He issued illegal proclamations, levied arbitrary taxes, interfered with the rights of private persons and checked freedom of discussion in politics and religion. He, however, maintained peace.

The king soon felt the necessity of raising money to meet the needs of the recent wars and the current expenses of government and his splendid courts. He had no desire expedients to call parliament. He therefore adopted various expedients legal and illegal to raise money. Firstly, he revived old statutes, namely, (1)

Forest Laws (1633) which empowered levying of fines for encroachments upon the forests as limited by a survey in the reign of Edward I and enforcing in a royal forest a special law—the forest law—by means of special courts-the forest courts-and which were very cruel and full of abuses; and (2) the Distraint of Knighhood (1630) which empowered imposition of fines on persons holding land worth £ 20 a year for not taking up knighthood in accordance with a statute of Edward I passed in 1278. He also realised fines for building cottages on less than four acres of land contrary to a statute of 1570. This method was legal but vexatious. Secondly, he committed acts of doubtful legality. He issued a number of proclamations, levied tonnage and poundage without parliamentary sanction and ordered gentry to live on their estates and not in London and if they disobeyed he fined them. In 1630 London was fined £ 100,000 for extending beyond the boundaries fixed by a proclamation of James I and for mismanaging its Ulster settlement of Londonderry. He got common law offences tried in the Star Chamber without a jury. It inflicted excessive fines and unjust punishments without sufficient proof. In 1634 William Prynne, a London Barrister, was ordered to be imprisoned for life, to lose his ears and to pay a fine of £ 5,000 for publishing Histriomastix or the scourge of actors in which he made reflections on the queen, although the book had been licensed by the Archbishop of Canterbury. There was also an increase in the severity of restrictions on the press, and the number of licensed printers was strictly limited to twenty by the Star Chamber. Thirdly, he also committed illegal acts. He sold monopolies (1633) on the common necessaries of life such as starch and soap. He levied forced loans and benevolences.

In 1634 he made the first levy of ship-money from seaport towns. Precedents were found for such a levy in time of war. In Anglo-saxon times

ship-geld had been levied for the First levy of shipdefence of the kingdom. It had been money.

the practice of English kings to demand in time of

war ships and crews and their equipment from the maritime counties, and where it was more convenient to take money in lieu of ships. But the demand of ship-money in time of peace was unprecedented. It was levying direct taxation to meet extraordinary expenditure without recourse to parliament. It was an attack on constitutional rights. In 1635 a second writ of ship-money was issued and a levy was made in time of peace and extended to the whole country on personal as well as real pro-Second levy. perty. The judges when consulted asserted the right of the king to levy it on the whole country in time of danger and to be the judge of danger. In 1636 was issued the Third levy. third writ of ship-money. It was now becoming a permanent and general tax imposed by the will of the king. John Hampden objected to pay 20 shillings demanded of him on the Hampden's case or ground that it was demanded from case of ship-money. inland counties and also in peace time. The case went to the court of the Exchequer. The judges held their offices at the king's will and were exposed to the displeasure of his council whenever they opposed any check to his prerogative. The king's side argued that the king had the prerogative or intrinsic and absolute authority to levy a tax without the consent of parliament in time of danger to the realm, that it was his duty of defending it and that he was the sole judge of the danger and the means to meet it. "This power is innate in the person of an absolute king and in the persons of the kings of England," said the attorney general, "for the king of England is an absolute monarch." Hampden's side argued that the law and constitution of England had provided in various ways for the public safety and protection against enemies. The king possessed feudal sources of income and other profits in ordinary times. In times of emergency it was parliament's privilege based on charters and statutes to grant supplies, such as Magna Charta and Confirmatis Cartarum which abrogated

all taxation without consent of parliament and also statutes of Edward III. Though the king was to be the judge of danger, parliamentary sanction was necessary for legal taxation except in cases of immediate danger. There was no such danger in 1637. The provisions of the Petition of Right were against it. The judges decided in favour of the king whom they regarded as responsible for the defence of the kingdom and whose claims were supported by precedents. It was also stated that "The law is itself an old and trusty servant of the king's; it is his instrument or means which he useth to govern his people by." "Rex is lex" and not "lex is rex" according to justice Berkley. Justice Vernon said "that the king, pro bono publico, may charge his subjects for the safety and defence of the kingdom, notwithstanding any act of parliament and that a statute derogatory from the prerogative doth not bind the king, and the king may despense with any law in cases of necessity." Two justices, however, denied the alleged prerogative of the crown and the lawfulness of the writ of ship-money. These claims of the king made constitutional government unsafe. If Charles could take money without asking the consent of parliament he could dispense with it and establish irresponsible absolutism. Hampden's resistance made the nation realise the danger of losing its liberty and aroused discontent and opposition. These assertions of paramount rights of monarchy might supersede other laws and create new acts of despotism.

These financial expedients and policy of Charles alienated all classes; the nobles and great land-owners by the enforcement of forest laws, the gentry by the distraint of knight-hood, London by fines for the extension of the city and for breaches of the Charter of Londonderry and by the imprisonment of merchants for refusing to pay tonnage and poundage, and the middle class generally by the sale of monopolies and the imposition of ship-money.

The proclamations issued by Charles were quite numerous. They implied a prerogative power of intermeddling with all matters of trade, namely, imports, exports, prices, manufactures, locations and houses.

All these inroads on the subjects' property were maintained by an unsparing exercise of jurisdiction in

star Chamber. Its proceedings were now more violent and tyrannical. It had illegally and arbitrarily usurped jurisdiction both in civil and criminal cases. Its punishments were severe. Its procedure was often summary.

In matters of religion Archbishop Laud took the initiative in reforming and strengthening episcopacy.

As a reformer he enforced dis-Laud's religious cipline and authority amongst the policy. clergy. In order to strengthen it he enforced conformity with the Anglican ritual and ceremonies and insisted on the use of surplice, on bowing at the name of Jesus and on the kneeling posture at the Communion. He ordered the Communion table to be placed at the east end and to be railed in. This involved the doctrine of real presence in the Communion. He also enforced his views by episcopal visitations in the diocese of London and archiepiscopal visitations in the province of Canterbury. His policy was strongly anti-puritan. He suppressed Puritan preachers and publications, lecturers and societies. Many Puritan clergy were punished for nonconformity by the Court of High Commission. The Court of Star Chamber also punished Puritans who opposed Laud's views as to the position of bishops and church ceremonies. In 1633 the Book of Sports was reissued and many clergymen were deprived of their livings for refusing to read it. The Book proclaimed that certain feasts or wakes might be kept and a great variety of pastimes used on Sundays after evening service. Many Puritans who were against it left for the new world owing to persecution.

There grew up in consequence opposition to Laud's severe policy against non-conformists. It increased

because he was suspected of leanings towards Rome owing to his use of some Catholic ceremonies, his preference for single over married priests and his use of pictures in churches Some favour was shown by him to Roman Catholics. There was connivance at their domestic exercise of religion and fines for recusancy were not regularly enforced. A papal envoy, Panzani, was received at court. There were some conversions to Catholicism. Statutes against the Roman Catholics were not rigidly enforced. These things led to great discontent.

Wentworth who was appointed Lord Deputy in Ireland in 1633 wanted to make the king absolute and

Wentworth in Ireland. independent and to use Ireland as a means of ensuring absolutism in

England. He was a good administator but ruthless and cruel in his methods. He forced the Irish parliament in 1634 to make grants for the army but did not allow it to confirm the 'graces' by which an oath of allegiance was to be substituted for the oath of supremacy, fines for recusancy were to be remitted, sixty years' occupancy was to confer a title to land, and the landowners of Connaught were to keep the estates which were granted or recognised. He compelled the Irish church to adopt the English articles. He restored tithes and tried to repress disorder in the service. He set up the Court of High Commission and opposed strongly Puritans and Presbyterians. He checked corruption among the officials. His administration was efficient and his justice fair. He organised the army well, improved its pay and enforced strict discipline in it. He also encouraged trade. Thus he firmly established king's authority in Ireland and made her army and resources a danger to English liberty.

In Scotland Presbyterians were powerful. They were alarmed at the Catholic marriage of Charles, at

Laud's episcopal the tolerance and spread of Roman Catholicism in England and at the great efforts made to maintain

episcopacy. Charles and Laud were determined to enforce episcopacy in Scotland also. In 1634 the Court of High Commission with formidable powers was established. Bishops were summoned to the Scottish parliament. In 1636 the king sanctioned new Book of Canons distasteful to Scots without the approval of the Scottish parliament or the general assembly. They required the recognition of the king as the head of the church and the acceptance of episcopacy and struck at the local church courts. In 1637 a new Prayer or Service Book was issued to be used in every parish without consulting the Scottish people. This led to strong resentment and riots in the country. The Their effect. Scotch opposed the new religious settlement based on episcopacy. They established four "Tables" or committees of nobles, gentry, citizens and ministers. In 1638 they drew National Covenant. up the National Covenant. It rejected the recent religious innovations which were not approved by the Scotch general assembly and the Scotch parliament. It, however, did not go against monarchy as the form of government. It was generally accepted by the people in defence of their reformed religion. A general assembly of the church was called but it was dissolved by Marquis of Hamilton who was the High Commissioner representing the king's authority, as it claimed authority over the bishops. The assembly defied the dissolution, abolished episcopacy, condemned the Articles of Perth of 1618 which had ordered more ceremony in public worship, the Prayer Book and the new canons and formally adopted Presbyteriaism as the national religion. King's side believed in the divine right of episcopacy and the other side in that of presbytery. This led to the first Bishop's War in 1639 between Charles and the Scotch.

The Scotch were enthusiastic and their army wellorganised, well-disciplined and well-provided. The King
had to consent to the Pacification or Treaty of Berwick.

According to its terms both sides were to disband their armies, and civil disputes were to be decided by parliament and ecclesiastical questions by the general assembly. Nothing was, however, settled. Charles did not want to abandon the cause of episcopacy and summoned the bishops to the Scottish parliament. The Scotch in consequence asserted their faith in Presbyterian religion.

In 1640 Wentworth who was created Earl of Strafford urged the king to summon the English parlia-

Fourth or Short ment in order to get supplies of money. Thus the Fourth or Short Parliament came to be summoned.

The leader of the Commons was Pym. The king asked for twelve subsidies in return for the renunciation of shipmoney but the Commons insisted on the redress of religious and political grievances before granting supplies and denied the king's right of levying ship-money. The Puritan leaders opened negotiations with the Scotch. In consequence the Short Parliament was dissolved and many of the king's opponents were imprisoned. This dissolution caused intense indignation and made a contest between the king and parliament inevitable.

Strafford urged war with the Scotch and advised the king to use Irish troops. Thus the second Bishop's

War was begun: The king tried to get help from Spain, France, the Pope and London. They refused to lend money. Therefore he levied ship-money again. Some citizens were imprisoned for refusing a loan. A new imposition was laid on the counties called coat-and-conduct money for clothing and defraying the travelling charges of the new levies. Also loans and gifts were tried to be realised. King's military operations did not succeed. There was strong opposition in England to the Scotch war and sympathy with the Scottish struggle. The Scotch succeeded easily at the battle of Newburn. They crossed the Tweed and seized Newcastle and entered the English territory.

The king called a meeting of the magnum concilium, that is, the great council of all the peers for advice and

money at York. The citizens of London and the twelve peers petitioned for a regular parliament. The magnum concilium had not met since the reign of Edward III. It appointed a committee of sixteen to make a settlement with Scots. They made the dishonourable pacification or treaty of Ripon, promising them £850 a day for expenses, granted Durham and Northumberland as security for payment and decided that an English parliament should be summoned to settle disputes. As a consequence the Long Parliament was called in 1640.

The importance of Bishop's wars was very great. The Scotch resistance and military success broke the personal government of Charles and Importance of Bishops' compelled him to summon parlia-WATS. ment. He could not pay the money promised to the Scots without a grant from parliament as all his other financial expedients had failed. Immediate payment was necessary in order to make the Scots withdraw from the English territory. Their presence was a great financial burden and a political danger to the kingdom. The Commons sympathised with the Scots because they were fighting in a way the battle of English liberty. Charles however did not bring and use Strafford's Irish army against the Scots. The religious quarrel with Scotland, the Scottish military success and the need of money brought about the collapse of his arbitrary rule. The force of circumstances compelled him to summon parliament again.

The fifth or Long Parliament met on November 3, 1640. The king though he was in financial and political difficulties had not given up his belief in his right to absolute power. Parliament however intended to take advantage of the situation and contemplated strong measures. In the country the Episcopalians were strong in number. The Puritans were strong among the middle classes and especially in parliament but weak in the country and unpopular. Both of them were intolerant of other forms of religion. The Independents

who were weak in numbers were opposed to all forms of church government. They favoured toleration.

The leader of the Puritans in parliament was John Pym. He had opposed James I in 1614 and had been imprisoned. He also had opposed Buckingham and had striven for the success of the Petition of Rights. In 1640 he made an agreement with the Scots whose support strengthened the parliamentary cause. He was experienced and skilled as a parliamentarian. He was tactful and able as a speaker and debater. He was for the rights of parliament in the constitution and against king's absolutism. He led the parliamentary attack against king's

ministers and measures. In the first session the House of Commons attacked the king's ministers. Strafford, Finch who was Lord Chancellor, Laud, Windebank who was Secretary of State and six other First Session. judges were impeached. Strafford was impeached for high treason. He was accused of subverting the fundamental laws of Impeachments. the country and the authority of parliament, "placing the king above the law" and of advising the king in Privy Council after the short parliament that "he had an army in Ireland which he might employ to reduce this kingdom." Pym said that "this kingdom" meant England, Strafford said Scotland. Treason was only possible against the king but the judges regarded him as a traitor as he was guilty of treason against the nation. Impeachment however proved difficult for want of sufficient evidence. Strafford ably defended himself. A Bill of Execution of Strafford. Attainder then was brought against him. He was accused of giving bad advice to the king, of breaking the law and using the army. The king fearing riots gave assent to the bill. He was executed in 1641. This action though judicially unjust and a breach of the liberty of the subject was necessitated as a warning because of Strafford's attack on the liberties of the people.

The king's minister was held responsible for his acts of absolute power. Finch and Windebank escaped to the

continent. Laud was imprisoned in the Tower.

Then parliament passed a number of resolutions and acts which curtailed the powers of the king and asserted its own powers and liberties Its political measures. and strengthened its own position. It passed the Trighnial Act (1641) which laid down that parliament was to be summoned at least once in three years and to be dissolved at the end of three years. An act was passed that parliament should not be adjourned or dissolved without its own consent. Then it redressed some of the old grievances. Prynne and others who were victims of the Court of Star Chamber were released from prison. It condemned monopolies, declared shipmoney illegal, and annulled the judgment of the Court of Exchequer against Hampden. It passed the Tonnage and Poundage Act declaring that customs on merchandise were not to be taken without parliamentary consent. It declared the distraint of knighthood and impressment for the army illegal and annulled the limitations on forests and limited the royal right of purveyance. By a resolution of the two Houses it was declared that the judges ought to hold office for life or during good behaviour. Parliament also abolished the extraordinary Court of Star Chamber and High Commission, Council of Wales and Council of the North. This meant the limitation of the judicial powers of the Privy Council and the assertion of the supremacy of the common law over the whole of England. Cases were to be tried in the ordinary courts of justice and by the ordinary course of law. The writ of Habeas Corpus was to be granted and in the return to the writ the goaler was to certify the true cause of commitment and the court was to do Justice These bills Charles had to assent to because parliament had the support of the Scotch army.

During the first months the Long Parliament desired to retain the kingship but to transfer the general direction of government from the king to itself and more especially to the House of Commons. This

it did by abolishing the institutions which had given an exceptional position to the Tudor and Stuart sovereigns. Later on it realised that it was impossible to carry on the new system while Charles ruled. This led to the claiming of sovereignty by parliament which was really incompatible with the kingship.

Parliament was unanimous as far as the political measures and changes were concerned. These were later accepted at the Restoration. There lts ecclesiastical prowas however no such agreement about ecclesiastical questions. All parties in parliament were agreed that the High Commission Court should be abolished, that the supremacy of parliament should be established over the church and that the bishops should not have the same amount of powers they had hitherto possessed. But the difference between the parties lay in the matter of bishops' coercive jurisdiction. If the bishops were to possess no coercive jurisdiction, the pulpit would be free and the Puritan clergy would be able to create a public opinion which would show little tolerance towards dissentients. This party which was in a minority was afraid of the oppression of a democratic church. The Root and Branch party which wished to destroy episcopacy, and the defenders of episcopacy were both in the minority. The balance lay with Pym and his supporters. But when the House of Lords threw out a bill for depriving bishops of their seats, Pym's party joined the Root and Branch party.

In the second session differences arose over religious matters. Parliament wanted to regulate the affairs of the church by parliamentary law and to introduce changes in the Laudian system. The Commons passed a Bishop's Exclusion Bill on church reform which was to displace bishops from their seats in the House of Lords but the Lords threw it out. Then a Root and Branch bill for the total abolition of episcopacy and for transferring

Root and Branch Bill. was brought in the Commons by Vane and Cromwell, but it was dropped. It however led to a first split in the constitutional party and to the formation of a moderate party led by Hyde and Falkland in parliament on the matter of church government. The religious policy of Laud was however reversed. The Communion Table was ordered to be placed in the middle of the church, images to be removed and the offending clergy to be punished. All that was attempted in the second session was however rejected at the Restoration.

Limited monarchy, however, could not work because there was no harmony of interests and principles between the king and parliamentary party. The king who was obstinate and tactless was devoted to episcopacy and absolute power, and parliament supported its constitutional rights and was inclined towards Puritanism. There was also a great distrust of Charles because of his actions and intentions. A moderate group of supporters of the king Moderate party. however arose in parliament. agreed with political reforms but was dissatisfied with the religious policy of Pym and others of the extreme section. Thus there was a reaction in favour of the king who had agreed to an abridgement of his prerogatives. This group favoured episcopacy or government of the church by bishops, deans, archdeacons, etc., and did not like the aggressive policy of Pym. They were satisfied with the concessions already made by the king and did not want to further weaken the monarchy. There was also great discontent caused by the heavy taxes levied by parliament to buy off the Scotch.

The incident which increased distrust and aggravated differences between the king and parliament was an attempt to kidnap Hamilton and Argyle who were the chief sup-Porters of Presbyterian cause in Scotland. Then there



was the Irish rebellion due to Roman Catholics and to the resentment at the plantations of Ulster and Connaught. These two events damaged the reputation of the king. Parliament suspected him of favouring the rebels. It refused to give him an army to crush the Irish as it would make him powerful. Pym claimed for parliament the control of the army. The Commons

brought forward the Militia Bill by which the officers of the army were to be appointed by parliament. This meant that the king would be deprived of his executive power. The Episcopalian party feared the supremacy of the House of Commons and became a royalist party. It is with the ecclesiastical question that the beginning of the parliamentary parties is associated. The moderate party had enough of reforms.

Pym and his party however produced the Grand Remonstrance or declaration of the state of the king-

dom in 1641. It was a vote of censure on Charles' government and was also an appeal to the nation against Charles. It contained statements of all the illegal and mistaken acts of the government of Charles and of the reforms accomplished and professed by parliament, and included demands for the appointment of ministers responsible to parliament and for church matters to be settled by an assembly of divines nominated by parliament. This made a rupture inevitable. Charles would not yield. Parliament was utterly distrustful. The real struggle was the ecclesiastical struggle. The Remonstrance drove many moderates to the king's side. Many Puritans came to the parliament side.

The Bishop's Exclusion Bill was brought in again.

Attack on bishops was removed. They were only to leave the House of Lords. The king would not agree. There was bishops

also an impeachment of bishops for signing a protest that what had been done in parliament during their absence was invalid. They were committed to the Tower.

In 1642 Lord Kimbolton and five members of the Commons, namely Hampden, Pym, Holles, Haseling

Impeachment of one Lord and five Commoners. and Strode were impeached by the Attorney-general at the king's command for subverting the fundamental laws of England and treach-

erously calling in the Scots. Charles who had promised to protect parliament from violence came to the Commons with an armed force to arrest the five members but found that they had escaped. The speaker refused to give information without the permission of parliament. Thus the king's coup d'etat failed, and it did

It was a violation of all security for the independent existence of parliament. Its aim was to strike terror into parliament and to regain the power that had been wrested from him. It hastened the civil war. The articles of impeachment were illegal because the king had no power of impeachment. The arrested members were commoners. They ought to have been tried after arrest at common law by a petty jury on the presentment of a grand jury. The king had no right to arrest them himself. It was a great breach of parliamentary privilege. It aroused great indignation in London which refused to give up the five members who had taken refuge in the city.

The commons again demanded firstly the exclusion of bishops from the House of Lords and secondly the Commons' demands control of the militia. The king granted the first but refused the second. Parliament passed the Militia Bill (1642) and issued it as an ordinance. It appointed Lords Lieutenant of the counties who nominated militia officers. Parliament not being the executive had no right to control the militia. The king issued commissions of array which was a method often denounced as illegal by parliament. Thus both sides were preparing for war in self-defence and committed illegal acts in their attempts to secure armed forces.

By seizing Hull and refusing to admit the king, parliament committed the first act of War. It presented to the king at York (1642) Nineteen Proposithe Nineteen Propositions which tions. were its final demands for the control of the appointment of Privy Councillors, ministers, and commanders of fortresses, for supervision over the education and marriage of the king's children, for the reform of religion and for the enforcement of laws against recusancy. These demands were refused by Charles who said that their acceptance would have made him "the mere phantom of a king." The judgment of parliament was to be the king's judgment even if he was not present or did not assent. They would have established the sovereignty of parliament directly, and not indirectly through a cabinet, over military, administrative, judicial and religious powers

c the crown. In August, 1642, Charles raised his standard at Nottingham and thus the First Civil war began. It lasted till 1646. It was to decide First Civil War (1642 in whose hands, the king's or parliato 1646) ment's, was to be the sovereignty of England. Parliament did not desire the abolition of the kingship but the restriction or Questions involved. modification of its powers. It was also to decide whether Calvinism which suppressed liberty of thought or High Episcopalianism which interfered with liberty of worship was to be the religion of England. On the king's side were the country gentry who were attached to it by old association and the moderate King's party. party who opposed to the illegal conduct of the king, but who disliked the ecclesiastical and civil policy of parliament and who were afraid of the tyranny of the Commons and the interference of the Puritan clergy in the liberty of belief. The king's party included Roman Catholics and strong supporters of episcopacy and prerogative or the high church party. Constitutionalists like Hyde and Falkland joined the side of

the king who gained considerable support by posing as the maintainer of law and order against an aggressive body or faction in parliament. The north and west of England, the poorer district generally followed him.

On the side of parliament were the middle and commercial classes. It was supported by Puritans,

Separatists and others who had been struggling to maintain parliamentary privileges and people's liberties, to limit king's powers and to bring about reform in the ceremonies and government of the church. The south and east towns and richer districts sided with it.

The civil war was not a religious war though it had a religious basis because on any other question the king would not have got a party. The divergence on religious matters was a great obstacle. The importance of the religious question however was in the fact that in the religious contest lay the germ of political liberty. There were two questions involved in the civil war.

One was of law and constitution Two questions involved in the civil war. and the other of religion. The law was largely on the side of the king but parliament was insisting on its rights, privileges and charters. Again though it was a contest between a personal monarch and parliament, it was complicated by religious divisions. On behalf of the king it was argued that parliament was destroying the constitution and not developing it, that it was destroying the church, that it did not represent the nation as a whole in these two things and that it passed its measures by a bare majority only. On the side of parliament was argued that the king was establishing a personal absolutism, destroying the liberty of the subject and privileges of parliament and overriding the law of the land under his prerogative power. But these problems of state and church now could not be solved by discussion and compromise or by law, logic and scripture but only by force which alone could make the defeated party yield.

Shortly after the war began on February 1, 1643
the Oxford propositions were presented to the king by parliament in order to conciliate him. Oxford Propositions. They differed from the Nineteen Propositions in that they dropped the following demands, namely, (1) the oath to be taken by all Privy Councillors and Judges to maintain the Petition of Right and certain statutes to be named by parliament, (2) the dismissal of all Privy Councillors and ministers of state, except such as were approved by parliament, (3) the permanent rule that no Privy Councillor was to be appointed without the approbation of parliament and that no public act in which the Privy Council was consulted was to be recognised as proceeding from the king unless it was signed by the majority of the council, (4) the restriction of appointments of the chief officers of state to those whose nominations were approved by parliament, (5) the placing of the education of the king's children and their marriage under the control of parliament and (6) the restriction of the rights of peers hereafter created to sit and vote in parliament to those who were admitted with the consent of both houses. But the financial and military control was kept. The command of the militia and forts was fully maintained in the Oxford Propositions.

Thus we can trace certain changes taking place in the constitutional ideas of the Long Parliament. In August, 1641, it only wanted to wrest from the king special powers acquired by the crown since the accession of the Tudors and relied on the power of stopping supplies in order to redress grievances. In June, 1642, when it published the Nineteen Propositions it wanted to assume directly and permanently the control over the military administration and the judicial powers of the crown. In February, 1643, at the time of Oxford Propositions it was satisfied with the financial and military control and did not want any permanent and direct influence over the judical and administrative appointments. Charles however did not yield. His supporters were also not willing because whilst the

constitutional demands of parliament had become less strict, its ecclesiastical demands had become more strict. The Nineteen Propositions wanted the king to consent to such a reformation of the church government and liturgy as parliament might advise. But the Oxford Propositions demanded the immediate abolition of Episcopacy also. This was due to the desire to please the Scots and to get their help. The negotiations at Oxford however failed. The king's side was getting more successful in war. Therefore parliament felt the need of Scottish help. An agreement was signed between the Scottish and English parliaments. Its terms were

Covenant. that the English parliament was to accept the Solemn League and Covenant to maintain the king's person and authority and to preserve the rights and privileges of the parliament and the liberties of the kingdoms, that the Scotch army was to help the English parliament which in return was to reform the Church of England "according to the second of the seco

English parliament which in return was to reform the Church of England "according to the word of God" and the practice of the best reformed churches and to extirpate popery and prelacy. A committee of both kingdoms was appointed to control the united armies and to conduct the war. Members of parliament subscribed to the covenant. It was imposed on all civil and military officers and upon all the beneficed clergy.

The war progressed in 1644 in favour of parliament. This led to another split within parliament on

the Scottish treaty. The Independent party which was dominant in the army did not want any church system either Episcopalian or Presbyterian. Another result was that parliament made new proposols in November, 1644, and they were discussed at Uxbridge Uxbridge Propositions. In 1645. The Uxbridge Propositions were different from the Oxford Propositions. The demands for the exclusion from seats in the House of Lords of Peers afterwards created unless with the consent of parliament, for the permanent

submission of appointments of officers and judges to the approbation of parliament and for the education and marriage of the king's children being placed under parliamentary control re-appear. There was also laid down the necessity for parliamentary approbation for all judges. There was added a new proposition that the right of declaring peace and war might only be exercised with the assent of parliament and of setting up a permanent body of commissioners to act in combination with a similar body of commissioners to control all military forces in both kingdoms and to possess very extensive powers. As to religion in England it was to be brought to the nearest possible uniformity with that of Scotland and the king himself was to swear and sign the Solemn League and Covenant.

Charles made counter demands (1645) in reply. They appealed to the king's legal rights, asking that the constitution should be accepted as it had stood at the end of August, 1641, that the Common Prayer Book should be preserved and that a bill should 'be framed for the ease of tender consciences'. But the general distrust of the character of Charles made the negotiations at Uxbridge a failure.

In 1645, Archbishop Laud was impeached for attempting to change religion and the fundamental laws of England. He was condemned on a bill of attainder although he Impeachment and execution of Laud. produced a royal pardon under the great seal and executed under the pressure of the Scots. The parliamentary army was remodelled in the same year. The soldiers of the New Model Army were paid regularly and better and were more disciplined. They were chosen not New Model Army. on account of their religious opinions but for their efficiency. Still the majority of its officers were Independents. To bring about this efficiency a Self-Denying Ordinance was passed by which the members of both houses were to resign any post conferred on them by

the existing parliament. Their re-employment was however not forbidden. It was this New Model Army organised by the Independents which destroyed the royalist army and defeated the king at the battle of Naseby in 1645. The captured private papers of Charles showed that he was negotiating with the Irish Catholics and foreigners for help.

In 1646, the houses abolished wardship and all other burdens connected with feudal tenures. This was greatly to the advantage of the nobi-End of first civil lity and the gentry. By July, 1646, war. the first civil war was practically at an end. Charles escaped from Oxford and took refuge with the Scottish army at Newcastle. He wanted to divide his foes, the English and the Scottish, apart. Parliament in combination with the Scottish commissioners despatched fresh propositions to Charles. These Propositions of Newcastle were modelled on those of Uxbridge and were largely Newcastle Proposiidentical with them. They made tions. the same demands for a Presbyterian settlement, for the king's taking the covenant, for the appointment of judges and officers and for the sweeping penalties on deliquents. The power of the commissioners was however considerably decreased and the control over matters of peace and war and the education and marriage of king's children was dropped. The militia was to be placed under parliamentary control for twenty years. Charles gave evasive answers to these propositions. The Scots seeing that he was not going to be a answers. Presbyterian handed him over to parliamentary custody. Parliament had no other choice, but to depose him or to accept his terms. Charles was however busy, when he was at Newcastle, in creating a split among his opponents by holding out hopes of concession on his part by granting Presbyterianism for three years and then in biding his time to restore episcopacy and the Prayer Book.

In 1647, the position of victors was weakened. They were again split into two parties, the Presbyterians

Two parties in parliament.

and the Independents. Parliament was strongly in favour of Erastian Presbyterianism and oligarchical

government. Its principle was to substitute the supremacy of parliament in church and state for that of the king. The army was in favour of toleration in religion and democratic government and thus of liberation of individual consciences from the control both of parliament and the king. It was strongly Independent and was an organised political body. The result was that each of these parties sought the king and made separate proposals to him. Parliament voted that the army

Their separate proposals.

should be reduced, that all its officers should take the Covenant and that its soldiers should receive

army a part of their arrears of pay at once. The protested against this. Parliament discussed with were Charles secret proposals for his restoration which The accepted by him with some minor modifications. gave Presbyterians offered him political power if he made them religious power. Thus an alliance was between them and the king. The Presbyterians with a majority in parliament gave up the attempt to coerce Charles and adopted the principle of re-establishing his authority as it was in August, 1641, in return for the nominal concession of a three years, Presbyterianism.

Parliament tried to get rid of the army but failed in doing so. The army refused to disband and allied itself with the Independents. It seized the king and obtained the impeachment and suspension of the eleven Presbyterian leaders in the House of Commons. It made proposals to Charles for his restoration and for the permanent settlement of the kingdom. They are known as the Heads of Proposals. They were drawn by Ireton and amended

Army's Heads of proposals.

by the council of the army. They offered him his own religion under certain limited power. They were

very comprehensive. They proposed to make the king's power subservient to that of parliament and also to decrease the power of parliament by making it more amenable to constituencies and by restricting the powers of government over the liberty of individuals. They contained biennial parliaments, a reform of the constituency by a redistribution of seats, the restoration of episcopacy with toleration to all sects except Roman Catholics, that is, the establishment of religious liberty and abolition of bishops' coercive power, and the command of the militia and the appointment of officers of state to be in the hands of parliament for ten years and after that to be in the hands of the king but not without the advice and control of parliament. For seven years there was to be a council of state which was to superintend the militia and to conduct the foreign negotiations, the final decision in war and peace being reserved to parliament. There was to be no interference with the king's choice of officers. No peers created after May 21, 1642, were to sit in parliament without the consent of both the houses. Acts under the parliamentary great seal and not the king's great seal were to be valid. This Army plan was far superior to the Presbyterian plan but it was too much in advance of times. In its main lines this scheme anticipated later constitutional developments. It substituted the influence of parliament for its direct authority. It established the political sovereignty of the electorate by bringing the House of Commons more under the control of constituencies than it had been before. The army was pervaded with the distrust of the reigning king and the existing parliament. Charles refused their proposals and held out for better terms. He hoped to play one party off against the other and and relied on Scotch help.

At this time the Levellers who were democratic, republican and revolutionary arose in the army. They drew up their First Manifesto or the Agreement of the People in "the Case of the Army Truly Stated". In church government

they believed in every unit or locality to be controlled by its own members. They believed

Manifesto.

Dy its own members. They believed in religious as well as political liberty and not in a national church.

and not in a national church. All churches were to be free to organise as they thought best. In political government they believed in a system of voluntary councils as were existing in the army. They set out their doctrines in many publications. According to their First Manifesto parliament was to be purged at once and to be dissolved in a year. A law which was paramount and beyond the competence of parliament to alter was to vest power in parliament chosen by manhood suffrage and limited to a period of two years. All power was in the whole body of the people and their free consent was to be the only foundation of all just government.

There were also separate negotiations going on between the king and parliament. It sent the king a

Flight of Charles I. Propositions. The king replied his preference for the army's Head of Proposals. He, however, fled on November 11, 1647, from the custody of the army to the Isle of Wight. From there he wrote a letter to the House of Lords. His proposals offered

charles proposals. to abandon the militia during his own life but refused to abolish episcopacy and proposed three years' Presbyterianism to be followed by a system to be approved of by the king and the houses, with full liberty to all those who should differ on conscientious grounds from that settlement and consented to consider the proposals of the army concerning elections and the succession of parliaments.

Parliament replied by sending four bills which together with accombance of the Propositions of Newcastle. Charles however at this time made a secret treaty with the

Charles' secret treaty Presbyterianism and of refusal of toleration to all other sects and

of suppression of their opinions. The Scottish parliament on its side was required to disband all armies, if not, to assert "the right which belongs to the crown in the power of the militia, the great seal, bestowing of honours and offices of trust, choice of Privy Councillors, the right of the king's negative voice in parliament etc." If this were denied by the English parliament a Scottish army was to invade England with these objects and also to endeavour that there might be 'a free and full parliament in England'. Thus Charles was playing a double game and could not be trusted by any party. After this secret engagement with the Scots who were to help him to regain the throne he refused his consent to the four bills of parliament. On this parliament passed on January 18, 1648, the vote of no Addresses and broke off all negotiations with the king.

The secret engagement with the Scots produced the Second Civil War in 1648. Charles showed himself absolutely untrustworthy. The Second civil war Royalists and Scots were defeated. 1648. Parliament tried to come to terms. with the king in the treaty of Newport independently of the army. It offered to support Treaty of Newport. Charles on condition that the control of the militia was given to parliament, that Episcopacy was abolished and that Charles accepted Presbyterianism. Charles refused to accept the clauses about militia and Presbyterianism. The army whose-Differences between opinions were disregarded felt exasthe army and parliaperated. It made a strong rement. monstrance and then declaring it impossible to treat with Charles determined to try Charles for stirring up civil strife. Parliament however decided to accept the king's offer to recognise Presbyterianism for three years inspite of the army's remonstrance. The army therefore Pride's Purge.

is, expelled from parliament the Presbyterian members:

first carried out Pride's Purge, that

(143) who were favourable to Charles. The remnant of the Long Parliament which was The Rump. called the Rump adopted a resolution that by the fundamental laws of this kingdom it was treason in the king to levy war against parliament and the kingdom of England and then passed an ordinance on January 1, 1649, appointing a special High Court of Justice Court to try Charles. containing 135 Commissioners of which only 67 attended the trial of Charles. On February 2, 1649, after the execution of the king it passed three more resolutions to the effect that Rump's three resolu- (1) "the people are, under God, the original of all just power, (2) tions. the Commons of England in parliament assembled being chosen by and representing the people have the supreme power in the nation, and (3) whatever is exacted or declared for law by the Commons in parliament hath the force of law, and all the people of this nation are concluded thereby, although the consent and concurrence of the king and the House of Peers be not had thereunto."

Before this on January 15, 1649, the Council of the Army published a Second Manifesto or the Agreement

of the People, a modified form of the First Manifesto of the Levellers. It was a sketch of a written confithe People.

based on the army's Heads of the Proposals omitting everything that had reference to the king. In order to avoid the despotism of parliament itself there arose the idea of a written constitution which parliament itself would be incompetent to violate. According to this new scheme the existing parliament was to be dissolved on April 30, 1649. After that there was to be a biennial parliament without a House of Lords, a redistribution of seats and a rating franchise. For seven years all who had adhered to the king were to be deprived of their votes and during the first and second parliaments only those who had by contributions or

personal service assisted parliament and who had refrained from abetting certain combinations against parliament were to be capable of being elected, whilst those who had actually supported the king in the war were to be excluded for fourteen years. No official was to be elected. There was to be a council for managing public affairs. There were to be six subjects with which parliament could not meddle and all law made on those subjects had no binding force. These reservations would have established a new-sovereign parliament and the legal sovereignty of the electorate. They were to be fundamental laws of the constitutions. The article on religion was also a reserved subject which parliament could not modify or repeal. There was to be a public profession of the Christian religion 'reformed to the greatest purity of doctrine' and the clergy were to be maintained 'out of a public treasury' and not by tithes. This public religion was not to be 'Papery or Prelacy' no one was compelled to accept conformity. All religions which did not create disturbances were to be tolerated.

This document had neither the elements of traditional continuity in it nor those of national support.

It broke the tradition. It did not acquire the support of the nation in full. It was however not put into operation. It was the programme of only the radical extremists in the Independent party.

On January 20, 1649, the charge against the king stated that he was trusted with a limited power to govern

Charles. by and according to the laws of the land, and not otherwise, for the good and benefit of the people and that he out of a wicked design to establish an unlimited and tyrannical power to rule according to his will and to overthrow the rights and liberties of the people and the rights of all redress and remedy of misgovernment which by the fundamental constitutions of the kingdom were reserved on the people's behalf in the right and

power of frequent and successive parliaments and that he had traitorously and maliciously levied war against the present parliament for the same ends against the public interest, common right, liberty justice and peace of the people of this nation and therefore he was guilty of all treasons and murders and other acts committed in those wars. The king declined to submit to the pretended jurisdiction and authority of the court and made a

King's speech and defence.

speech giving his reasons that God's laws did not warrant any such proceedings but on the contrary they

warrant the authority of obedience to kings and that the laws of the land did not sanction that any impeachment could not lie against the king but on the contrary the king could do no wrong, that the House of Commons could not erect a judicature as it was never one itself and that the people of England had not consented to it. He also said that the true liberty of all subjects consisted not in the power of government but in living under such laws and such a government as might give them the best assurance of their lives and property of their goods. He charged the army for

His attack on the army.

having broken all the privileges of parliament and stated that it was he who was defending the ancient

laws and liberties of the kingdom together with his own just right. He also expressed himself against their attempt to change the whole frame of the government. Thus Charles posed as the champion of law and liberty against the tyranny of the army and the Rump. The Upper House was totally excluded and the major part of the House of Commons was prevented from sitting. He was sentenced to be put to death by the

His execution. court as being guilty of levying war against the said parliament and people and therefore of high treason and other high crimes.

He was executed on January, 30, 1649.

The High Court of Justice which tried Charles was an illegal tribunal appointed by the Rump which was an unrepresentative body. The peers who supported

the parliamentary cause had refused to agree to its appointment. Only 53 out of 135 members of the court attended and only 59 signed the sentence. Charle's execution was illegal and unwise. He was regarded as a martyr for the cause of Episcopacy. But by his execution the doctrine of the responsibility of kings to their people was asserted, and the nation and parliament were placed higher than the king.

A view is held that Charles absolutism was legal and that it is quite erroneous to suppose that he consci-

ously aimed at destroying the cons-A favourable view of titution and at setting up an Charles' absolutism. absolute monarchy. He regarded himself as the supporter of the law and the constitution. Under the Tudors the king had been the centre of government, and parliament had been nothing more that the great council of the king which was for "counsel not for control". Charles took his stand upon rights possessed by English kings for centuries. Parliament was trying to acquire a position to which it had no right. The Commons were trying to get the supremacy or to take his place by keeping him short of money and by calling his ministers to account. Therefore he felt justified in keeping parliament in abeyance until the Commons would consent to resume what he regarded as their proper place in the constitution. Charles also believed that in addition to his ordinary prerogatives, that is, the royal power definitely defined by the law of the land he possessed an undefined prerogative which was given for use in special emergency. He believed that emergency had arisen since parliament became factious. He was therefore justified in using this undefined prerogative. On this ground he defended the raising of money and many other acts for which normally parliamentary sanction was necessary. Thus Charles kept the letter of the law with one exception, namely, the arrest of five members. He took his stand upon the rights possessed by his predecessors. Thus he used technical law to secure absolute power. The basis of his absolutism was to be not the army but the law

courts. Charles had in point of fact the support of the judges and the lawyers who upheld the royal prerogative, partly because their tenure of office lay at the king's mercy and partly because Charles did as a matter of fact keep the legal forms.

But though he kept the letter of the law he certainly defied its spirit. His rule meant irresponsible government, that is, government not controlled by the representatives of the people and it was alien to the constitution of England, its charters, statutes, institutions and understandings. Tudor encroachments could not justify Stuart arbitrary methods. Parliament was justified in its opposition when it could not agree. It would not have been justified in giving up the political and civil liberties it had acquired.

## CHAPTER V.

## THE STUART PERIOD (1649-1660)

3. The Commonwealth and the Protectorate.

After the execution of Charles, the Rump which contained about seventy to eighty members appointed a council of state consisting of 41 England a free Commembers to carry on the affairs of monwealth. government. It drew up an Engage-7 ment to be taken by the councillors to maintain and' defend resolutions of parliament for the establishment of a Commonwealth without the king or the House of Lords. It abolished the office of the king and the House of Lords stating them to be useless and dangerous, and declared England to be a "Free Commonwealth". It had not the support of the nation. It was in reality an obligarchy, based on the support of the army. In 1650 it directed an Engagement of Fidelity to the Commonwealth to be taken by all civil officers and beneficed clergy. It repealed all acts and clauses which imposed penalties for not coming to the church. Thus it carried out so far the Agreement of the People. It however did not limit its powers nor appoint a day for its dissolution.

The majority of the people were hostile to the new government. There was strong royalist reaction caused by the execution of Charles and increased by the publication of Eikon Basilike or the King's Image which professed to give his utterances during imprisonment. The Presbyterians were strong in numbers and against the rule of the army. The ultrademocratic and republican Levellers led by Lillburne demanded the immediate dissolution of parliament and wanted annual parliaments controlling the executive and the abolition of the council of state. There were other republicans like Anabaptists and Fifth Monarchy men.

The army was also discontented. There were royalist troubles in Ireland and Scotland. Cromwell was sent there to suppress them and assert English supremacy. He succeeded. In 1652 the parliamentary union of England and Scotland was proclaimed in Edinburgh.

England.

English settlers.

Religious toleration and freedom of Union of Scotland trade between the two countries and Ireland with were established. But the Scottish people in general were opposed to this settlement which meant the loss of national independence and of the supremacy of the Presbyterian religion. Similarly the subjection of Ireland was secured by the Articles of Kilkenny (1652). The Irish Parliament was abolished. Ireland was to return thirty members to the English Parliament. Papists were not to hold any office. Confiscated lands were given to

In 1651, Cromwell's victory at Worcester in Scotland removed the danger of royalish restoration. The

Rump lost the support of the army Unpopularity of the and became unpopular. After the Rump. conquest of Ireland and the defeat

of Scots, the leaders of the army were anxious for the carrying out of the remaining demands of the Agreement of the People. The Roman Catholics, the Anglicans, and the Presbyterians were all hostile to government. They hated the Independent sects and wanted monarchy. Therefore dissensions and divisions arose among the men of the Commonwealth. The nation was not fully represented in the Rump parliament. Its members were elected in 1640 and it was a mere fragment of the original Long Parliament. It was compelled to levy very heavy taxes to pay the army, to keep the navy and to carry on the Dutch War. There was a large outbreak of political literature at the time. Hence it had to pass press regulations. Milton wrote his Areopagitica for the freedom of unlicensed printing. There was also a lot of indignation caused by interference with private life, for example,

by the closing of theatres and a number of other puritanical measures.

Moreover there was a lack of constructive policy. It had disestablished Episcopacy but no other form of religion was recognised. Therefore Its incompetence. there resulted a great diversity in doctrines and ceremonies. There were also religious disorders caused by the Fifth Monarchy men who believed in the speedy coming of the kingdom of Christ in succession to the four old monarchies, Assyrian, Persian, Macedonian and Roman. The army became indignant at the incompetence, corruption and immora. lity of the Rump which utterly failed to effect a settlement of the disorders of the time. Quarrels arose between the Rump and the army leaders. The Rump would not allow itself to be coerced. It tried to perpetuate its powers by postponing its dissolution till 1654. It was however turned The dissolution of the Rump. out by Cromwell who was now Lord General and dissolved in 1653. It was accused by him and the army council in their declaration of corruption, delay and negligence and of not caring for reform of abuses in government. "You are no parliament the give way to honester men". Thus the rule of, Rump was over. The council of state was also dissolved by Cromwell. This book is not

Cromwell did not summon a regular parliament. He allowed the council of officers to create an assem-

bly of nominees which was known as the Barebone's or Little Parliament (1653). This charge was inspired by two principles, the first was that government should conform to the will of the nation and the second was that godly men should have a right to govern the ungodly. The army which had become the sole depositary of power installed an Assembly of 140 members which represented not the people but the congregational churches of Independents. A general

nation was opposed to the Independents. The public chafed under the domination of sects and the parliament chafed under the domination of the sword. The Assembly contained many excellent members. It insti-

Its work and resignation.

tuted civil marriages, the registration
of births and deaths and the payment of judges by salaries and not

fees. It was however unpractical and tried to do too much. It abolished the Court of Chancery without establishing a substitute, and the church patronage and tithes. It seemed unwilling however to vote the expenses of the army. A few members carried a vote to dissolve the Assembly. But finally it surrendered its powers to Cromwell and made him a Lord Protector and resigned (1653).

Oliver Cromwell was by birth a gentleman educated at Cambridge. He was a member for Cambridge in

the Short and Long Parliaments. He opposed the bishops. He became a leader of the Eastern Association during the civil war and also of the Independents in religion. He contributed largely to the defeat of Charles by his brilliant victories. He supported the execution of the king and signed his death warrant. He was for toleration in religious matters. He was anxious to get rid of military government and to have a legitimate people's government. He announced his intention of ruling according to a constitutional document prepared in 1653 by a select body of officers known as the Instru-

Instrument of that there should be an elective chief magistrate, the Lord Protector,

who was to act as the head of the executive, to control the army and the navy, and in conjunction with the council of state to direct foreign policy and to decide on peace and war, that the sovereign power in the case of legislation and extraordinary taxation was to rest with parliament which was to consist of 400 English, 30 Irish and 30 Scotch members meeting at least once in three years. Parliament was to remain in session

at least for five months, that the protector could issue ordinances during the parliamentary recesses subject to subsequent revision by parliament, but he could not annul laws passed by parliament and could only delay them for twenty days, that a council of state consisting of twenty-two members was to check the power of the protectorate, that the chief officers of state were to be chosen by approbation of parliament, that the seats were to be redistributed and a qualification of £ 200 was necessary for a county vote, and that the Christian religion as set forth in the Bible was to be recognised as the religion of England with toleration for all except Papists and Prelatists.

The object of the framers of this constitution was to prevent absolutism on the part either of parliament or protector. It was an honest Its character. attempt to effect a settlement. It did not however provide for reconciling differences between the protector and parliament. The persons elected were not to have power to alter the government as it was settled in one single person and a parliament. It wanted to steer a middle course between the despotism of a single person and that of a single house. Parliament was not given power to control administrative acts and to refuse supplies for the carrying on of the government in time of peace. The relations between the protector and the council were more like those between an American President and the Senate in executive session. The members of the council were entirely independent of the protector when once they had been chosen. The council was intended to be a constitutional safeguard against the protector.

It was a first written constitution imposed by the army. Its legislature was non-sovereign. It left the question of sovereignty unsolved. Neither parliament nor protector nor people were sovereign. It undid the work of the rebellion. The object of the civil war had been to control the executive by means of parliament. The Instrument, however, created a permanent

executive power totally independent of parliament for its existence. A constant yearly revenue for the army and navy together with £ 200,000 for civil expenditure was to be raised by men agreed upon by the protector and the council. Thus some things were made fundamental in the Instrument.

Before the first parliament of the Protectorate called under the Instrument of Government met, temporary ordinances were issued by the protector for the union of England and Scotland in 1654 and the reform of the Court of Chancery. Cromwell earnestly desired a settlement to be made by parliament. He had no desire for personal power and soon called a parliament. The first Protectorate Parliament met in 1654. The

First Protectorate Presbyterians were powerful in it.

Parliament. There were also some republicans

and a few royalists. They got

appointed a committee to examine the Instrument, objecting to the position of the protector. Then parliament proposed a Constitutional Bill to settle the

Its scheme of constitution. govern

government of the Commonwealth of England. It was a parliamentary scheme for the constitution which

differed from the Instrument of Government in a number of particulars. Cromwell would not agree to them. He demanded a promise from the members to maintain the fundamentals of the Instrument, namely, the government by a single person and a parliament, no perpetuation of parliament, the freedom of conscience and the divided control of the militia. Consequently a number of extreme Presbyterians were made to withdraw according to article twenty-one of the Instrument. Parliament proposed changes in the militia and claimed the ultimate sovereignty in the militia. The Republicans were obstinate in asserting the parliamentary sovereignty against the power of a military dictator and wanted to control the executive. Parliament, however, failed to settle the pressing questions of the time because of its

Its dissolution. internal divisions. After waiting for five months Cromwell dissolved

it "rather in sorrow than in anger". The actions of parliament were unwise. The supporters of the Commonwealth were in a minority of the nation, and it was a minority divided against itself. Parliament, instead of discussing the legality of the new institution, should have vindicated its position by giving good government.

After this in 1655 Cromwell divided England into eleven military districts placing over each a major-generals and military districts.

Major-generals and general in command of the territorial militia. Every one of them was assisted by a body of commissioners chosen by government in different counties. Their powers were not confined to military matters. They had to keep the peace, to keep down the royalists, to check beggars and to supervise morals. Their interference with the private life of the people caused great dissatisfaction.

Cromwell did much to purify the church by appointing "Triers" by ordinance in 1654 to try the fitness of candidates for the ministry and "Ejectors" to eject unsatisfactory ministers. He gave toleration to all Christians except the papists and prelatists, but considerable toleration was actually allowed to the Roman Catholics, and the Anglicans worshipping in private were not often molested. He showed his Puritanism in putting down dancing, theatre-going and even Christmas festivities. This also caused discontent.

In 1656, Cromwell called a second parliament which was necessary for raising taxes for the war with Spain, for giving the government a legal foundation and for ensuring a permanent settlement. About a third of the elected members (100) were excluded under article twenty-one of the Instrument owing to their hostility to the government being settled in one person and a parliament under it. The great multitude of the people wanted a stable government acting in accordance

with known laws. They did not hate Cromwell. But the Levellers, the Presbyterians and the Fifth Monarchists were greatly hostile to the protector. The elective protectorate was not stable and its powers were indefinite. In the first session the major-generals were withdrawn on the demand of parliament. Then it presented to Cromwell an Humble Humble Petition and Petition and Advice in 1657 to Advice. amend the constitution in certain particulars. Cromwell was asked to take the title of the king. This he rejected. Then the Humble Petition and Advice was passed in the amended form. According to it members duly elected were not to be excluded from parliament and those already excluded were to be readmitted. Parliament was to consists of two houses, one hereditary and the other elective. Cromwell and parliament were to settle a confession of faith, that is, a national church with a definite creed. Prelatists were not to be tolerated. It placed the second house between the executive and the legislature. Cromwell

was created Lord Protector with the power of nomi-

nating his successor. The Protector was to nominate

the life members of the other house. It enlarged the

power of parliament and diminished that of the council.

Parliament gained control over its elections. Members

of the Privy Council were to be approved by parliament

and to be removable with its consent. The principle

of a permanent revenue sufficient to support the govern-

ment in times of peace was accepted.

The return of excluded members weakened Cromwell's influence in the Commons. The Commons instead of voting supplies urgently needed for the war discussed the powers of the new House of Lords which was nominated by the protector and consisted of Puritans and the relation between two houses. Hence Cromwell dissolved it (1658) saying "let God be judge between you and me". The Protector was left absolute as between his first and second parliament. He tried

to govern by parliament but failed to keep his parliaments in check and to persuade them to effect a permanent settlement. His rule having lost parliamentary support became a despotism depending on the army. But he did not live long after this. He died in 1658.

He could not maintain his power save by methods even more arbitrary than those of the king. He needed

a great army and therefore imposed Estimate of Cromheavy taxes without the shadow well's work. of parliamentary assent. He invested the major-generals with such powers as put every Englishman's freedom at their discretion. He imposed severe restraints and penalties on all classes. Although a great opponent of absolute power he was compelled to rule absolutely by force of circumstances. He did it out of necessity and not from choice as Charles did. He was not ambitious. He wanted parliament to be supreme. He refused the title of king. He proved to be a great statesman. He saw the importance of the navy and colonies, of religious toleration and of the Union of Scotland and England. Most of the principles he advocated were accepted later on. It was the failure of the Rump, the Barebone's and the two protectorate parliaments to carry out the task of government and their greediness of power which led to their dissolution. Cromwell found it difficult to rule by a system of division of power between parliament and an individual protector and was therefore compelled to rule despotically and by force.

Lord Acton has said that "Cromwell was the enemy of free institutions". The Puritan revolution embodied two great tendencies, namely, Puritanism and Parliamentarism. The first aimed at maintaining certain forms of religion and the second at giving the popular house a control over the government. Cromwell cared more about religion and toleration than about parliament and its politics. He believed in a strong executive. The reason why he championed parliamentarism was not because parliament was a representative body but

because it supported the principles which he championed. An irresistible tide forced him to the head of affairs yet he was really conservative and wished to preserve the old institutions. He tried to preserve the monarchy and to save the king to the last moment, though Charles made it impossible by refusing to accept the army's terms.

When Cromwell became supreme he could have called a freely elected parliament. But the army

would not entrust the supreme con-His difficulties. trol to it because it was afraid that parliament might restore monarchy and destroy toleration. Government by consent was impossible then. Again, Cromwell could have ruled by the naked sword. But this was also impossible because he did not believe in it and the nation would not have tolerated it long. Therefore he had to invest his rule with a constitutional character and for this purpose he made a number of constitutional experiments. Nevertheless all his parliaments were a failure, the Rump, because it wished to rule in defiance of majority and the others because they attacked religious liberty. Lord Acton's statement is true to the extent that he could not trust the people as shown by his institution of fundamental laws which was an attempt to make the

Acton's estimate examined.

representatives of the people nonsovereign, by his exclusion of many of the people's representatives from

parliamentary session and by his institution of majorgenerals and his division of England into districts for military purposes. But it is incorrect to the extent that his ends were liberty of thought and speech, as shown by his measures for religious liberty and free press. Cromwell's peculiar circumstances prevented him from adopting the ordinary method of attaining his aims, namely, that of summoning a freely elected parliament. Even if summoned it would not have supported him in his aims.

The Puritan period put forth a number of new ideas of political and social reform and anticipated a

number of modern reforms. The idea of a written constitution which tried to define New idea and rethe exact power of each unit of forms of the period. government though not developed in England did develop in America. The attempt to establish fundamental laws was a new experiment. It meant placing reservations on the authority of parliament and establishing the legal sovereignty of the electorate. The abolition of the kingship and the House of Lords was also new. In the relation between the executive and legislature, the executive was deprived practically of all control over the legislature except a suspensive veto of twenty days only. The power given to the protector to nominate his successor was also novel. The electoral reform of the franchises and the redistribution of seats established the political sovereignty of the electorate by giving them an adequate and fair representation. The two acts of Union of Scotland and Ireland anticipated the later. acts of 1707 and 1800. The Toleration Act of 1689 was also in the main anticipated. The abolition of feudal taxes, a system of fixed revenue and a new system of revenue and account point to later developments. There were other measures of importance proposed in the discussions of the period and some passed, such as, free public schools, a public post office, public works for the employment of the poor, female suffrage, voting by ballot, a national bank, freedom of the press, freedom of trade only controlled by navigation laws, removal of religious disabilities, improvement of local government, civil marriages, local registry of vital statistics, enactment of an excise tax, reform of legal procedure, payment of judges by fixed salaries and their tenure during good behaviour, prison reform, etc.

After Oliver Cromwell's death his son Richard Cromwell was made protector (1558). In 1559 parliament chosen from the old constituencies was called. The Republican

party which was strongly represented in this parliament

opposed the protector. There Parliament opposed to protectorate.

ensued a struggle between the army and parliament on the question of

the control of the military by civil power. Therefore Richard dissolved it. The army recalled the Rump which was also opposed to a protectorate. Richard therefore resigned in 1559. The Rump wanted to

Rump called and expelled.

limit the powers of the new commander-in-chief and to provide that in future all commissions should

be signed by the speaker. It also threatened the freedom of conscience on which the army insisted. This led John Lambert of the army to expet the Rump. Then the army appointed a Committee of Safety to govern the country. But the army had now become very unpopular. It was also disunited and had no great aim. The anarchy continued and the Commonwealth government broke down. It was found impossible to establish a free Commonwealth or republic and good government.

Then general Monk came forward as a champion of parliamentary rights against the aggression of the

army. He had his Scotch army to support him. He out-manouvered Monk's measures. Lambert and came to an agreement with Fairfax. In the meantime the Rump was again restored. Monk, however, marched to London in 1559 and declared in favour of a free parliament. He recalled the Presbyterians who were expelled by Pride in 1648, and thus ended the supremacy of the Independents. The Long Parliament after arranging for the meeting of the Convention Parliament dissolved itself in 1660. Monk opened negotiations with Prince Charles who upon his advice issued the Declaration of Breda. It promised

(1) an amnesty to all except those charles II's Declaexempted by parliament, (2) liberty of conscience according to such

laws as parliament should propose, (3) settlement by parliament of all claims upon land and (4) payment of full arrears due to the soldiers according to an act of parliament. In it Charles wrote "nor do we desire more to enjoy what is ours than that all our subjects may enjoy what by law is theirs". The Declaration was received with enthusiasm. The Convention Parliament

Convention Parliament.

consisted of two houses and was royalist and largely Presbyterian. It decided that the form of government should be 'by King, Lords and Commons'. It invited Charles to come and restored the monarchy. Thus the work of the Puritan revolution was undone.

of the Commonwealth.

The Commonwealth broke down because there was no powerful leader to stabilise its Causes of the failure gains and to make it popular, Richard was weak and a man of ordinary ability. He could not control the

army nor parliament. The Independents were a small number. They were very unpopular because they had ruled by military force. The feeling in the country veered towards monarchy. A large number was devoted to the Anglican form of worship. Even the Presbyterians were in favour of monarchy. In the country strong opposition had developed against the military rule of major-generals and against the interference of the Puritans with the private life of the people. The people wanted a settled and less interfering government.

The results of the Commwealth period were that the people came to detest heartily military rule and a standing army and the cause of

period.

absolute monarchy was lost but the republican form was not approved. Though no real terms were made with the king when he was restored, the kingship became subject to all statutory limitations passed by the Long Parliament before 1642. There were to be no prerogative courts no illegal methods of taxation and legislation, no use of torture in political cases. From the political point of view however the problem of sovereignty was not solved. The problem of the supremacy of parliament and the responsibility of the king remained. From the

religious point of view, neither any advance towards Puritanism or Presbyterianism was made nor the principle of religious toleration came to be immediately accepted. Uniformity was made finally impossible. No scheme of church government could reconcile both the Anglican and non-conformists views. No comprehension of all sects and therefore no national church seemed possible. In the Declaration of Breda however Charles had stated "We so declare a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matters of religion which do not disturb the peace of the kingdom".

Though the restoration showed that the people were not willing to dispense with the frame-work of the constitution, that is, with the monarchy and the second chamber and to accept fundamental laws or to establish division of powers between the executive and the legislature, the importance of the House of Commons and parliament as a whole increased. Parliament had acquired great experience and learned during the civil war the mysteries, secrets and details of government. Its committees had taken charge of everything, namely, the army, finance, trade, religion. It never forgot the lessons it learned and the powers it enjoyed.

## CHAPTER VI.

## THE STUART PERIOD (1660-1688),

## 4. The Restoration and the Revolution.

The king was restored to the throne by the Convention Parliament without any constitutional restrictions on his prerogatives and Restoration. without any adequate security for Its character. those constitutional and ecclesiastical claims which had been asserted against his father. Only the legislation uptil August, 1641, consented to by Charles I was accepted as its legal basis. Charles II began to reign from 1648 when his father was executed. The republican rule was unpopular because of the ecclesiastical anarchy and the military despotism. The restoration of monarchy seemed to be the only way to give order, peace and good government to the country.

The Independents had overthrown the established church but they did not agree as to what was to take its place. Their quarrels drove ultimately the Presbyterians into a temporary alliance with royalists. Parliamentary Presbyterians believed in the policy of trusting to free discussion and the pressure of national opinion as expressed in parliament. They did not believe in a policy of imposing fixed conditions on the exercise of the royal power. This led to the union of Cavaliers and parliamentary Presbyterians and helped the Restoration. The Cavaliers secured the restoration of monarchy and episcopacy with the Book of Common Prayer. The parliamentary Presbyterians gained the dependence of the king and bishops on parliamentary action.

The Restoration was founded on the old constitutional form and on the abandonment of the principles laid down in the Grand Remonstrance by

parliament and in the Heads of Proposals by the army. But the character of the ruler and the ruled had undergone a change as a consequence of the Civil War, the Commonwealth and Protectorate. The monarchy was bent but not broken. Charles had recognised that the spirit of the times and the minds of men had changed and that the facts of national life had also changed though the forms had remained the same.

Charles (1660-1685) was a clever but unprincipled man. His good looks and pleasant manners made him generally popular. He was a plea-Charles II. sure-loving person. His chief objects were to maintain himself on the throne and not to go on travel again. He therefore governed by means of his ministers and abandoned them when the policy with which they were associated had become unpopular. He, however, intended to become a despotic ruler independent of parliament, as Louis XIV was, with the help of French alliance and money but failed in his attempts. He wanted to restore Roman Catholicism as he and his brother James possessed Roman Catholic inclinations. He showed some tenacity of purpose but it was moderated with caution and hence the conflict did not come to a final pass. When parliament opposed he withdrew his measures and thus yielded. He dissolved his first long parliament when he found it opposed to his designs but he did not force his measures on the country arbitrarily. In fact, parliament had become supreme indirectly but not directly. The restoration settlement was a compromise expressed in facts and spirit of the situation but not in words of any constitutional measures. The appearance of power was with the king but the reality of it lay with parliament. Therefore the policy of harmonising the king's power with parliamentary privileges was followed in the conduct of government.

The Convention Parliament of 1660 which had accepted the Declaration of Breda and restored the

Convention Parliament.

Convention Parliament.

Convention Parliament.

Convention Parliament.

Convention Parliament.

There was a large number of cavaliers or royalists also. It was not, however, a legal parliament because it had not been summoned by a royal writ. Its proceedings were however made legal by the Cavalier parliament which was regularly constituted.

Charles II appointed his own ministers. He made Edward Hyde, Earl of Clarendon his Lord Chancellor,

and James Duke of York his Lord Admiral. The ministry of Clarendon lasted from 1660 to 1667. The first act of the reign was the Act of Indemnity and Oblivion which granted pardon for political offences to all excepting the regicides. The Commons however refused to order the execution of those who had acted as judges of royalists. Thirteen regicides were tried and executed. The bodies of Cromwell, Ireton and Bradshaw were ordered to be removed from Westminster Abbey and hanged at Tyburn. The Bill of Sales

settled the question of land. Crown Its financial lands, church lands and estates of measures. royalists which were confiscated and sold by the order of the Commonwealth were restored, but the sales made with the private owner's consent were not restored. The royal revenue was settled at £1,200,000 per annum. It included tonnage and poundage for life. Feudal dues and incidents and military tenures, and the rights of preemption and purveyance were abolished. Instead of these the king was given the proceeds of a hereditary excise duty on beer, cider and wine amounting to about £ 300,000 per annum. The crown thus secured sufficient revenue to meet all ordinary expenditure in time of peace. It was however, not large enough to pay the cost of a large standing army. The command of the militia and fortresses was restored to the king. The army was disbanded after being paid its arrears of pay. There

was no provision for the standing army.

The Presbyterians who hated the ecclesiastical anarchy and religious independence which had prevailed

Presbyterian's the Anglicans and did not ask any binding promises from the king.

Their doctrines of independence of the church from State Control had taken very little root in England. They could not resist the restoration of the Episcopalian church and of 1,000 Episcopalian bishops to their livings. Both the Presbyterians and the Episcopalians were generally opposed to toleration especially of Roman Catholics. The Presbyterians were prepared to accept for themselves some measure of comprehension by which the established church was to be widened in order to remain securely within its borders by limiting the power of bishops, by modifying liturgy and its rubrics and by giving limited license for extempore prayer. They were willing to become the loyal members of the established church. Charles was for toleration as his restoration was due to both the religious parties. The Convention Parliament advocated the adoption of a compromise combining

Parliament's religious

proposals.

Episcopacy with the Presbyterian system of synods upon Bishop adoption of a complomise complete the complete the

Usher's Model of moderate episcopocy. This consisted firstly in the appointment of a suffragan bishop for each rural deanery, holding a monthly

Usher's Model. synod of the presbyters within his district, and secondly in the annual dioceson synod of suffragans and representatives of presbyters under the presidency of the bishop and deciding upon all matters before them by plurality of suffrages. It was to include Independents and Quakers also. A conference of twelve bishops and twelve Presbyterians was held at the Savoy which was the palace of the Bishop of London to revise the liturgy and

Moving certain superstitious practice such as the use of surplices to which the Presbyterians objected. No result came out of it. The final settlement of religion was

postponed. When the next parliament came it restored to the Anglican church all its old rights. Presbyterians therefore remained outside the established church as non-conformists. Hence they began to ask for toleration for their own religious position. But the Anglicans would not allow it.

The new parliament called Cavalier or Pensionary parliament elected under a regular royal writ met in May, 1661. It lasted till 1678 and is called the Long Parliament of Charles II. It was very royalist and Anglican in its atitude. It contained only about fifty Presbyterians and proved "more zealous for royalty than the king, more zealous for episcopacy than the bishop". It was called Cavalier because of its loyalty to the king and Pensionary on account of the bribes the members received from the court party, especially under the ministry of Earl of Danby. It passed a series of acts which put an end to all projects of comprehension and restored

the church and crown to nearly Its political all their old powers and prerogameasures. tives. It annulled all the acts of the Long Parliament which had not been passed by the king, Lords and Commons. It declared illegal for either House of Parliament to wage war against the king. The consent of the king was declared to be necessary for legislation. The command of the militia and navy was vested in the crown. It asserted the king's right of proroguing or dissolving parliament. The Solemn League and Covenant was declared illegal and ordered to be burnt by the hangman. It declared that Charles II's reign had begun in 1649 and therefore the Commonwealth was not a de facto government. It accused Vane and Lambert of high treason on account of their services to the Commonwealth.

This parliament, however, limited the absolute power of the king. It confirmed the Act of Indemnity and Oblivion in spite of strong opposition. It refused to restore the courts of Star Chamber and High

Commission. The Commons denied the king's right

First Declaration of Indulgence. to dispense with laws and compelled him to withdraw his Declaration of tion of Indulgence suspending the

Act of Uniformity for three months (1663).

In religious matters it repealed in 1662 the Act

of 1642 which had excluded all persons in holy orders from exercising temporal authority or jurisdiction.

Bishops were invited to take seats in the House of Lords, Ecclesiatical courts were given their judicial functions. It fully supported the establishment of the Anglican church and was, unlike the king, opposed to all schemes of comprehension and toleration. All members were compelled to take the sacrament according to the rites of the Anglican church. Then it passed a series of penal acts which are known as the Clarendon Code, being passed during the ministry of Clarendon.

They were directed against the Puritans who had been very intoler-Clarendon Code. ant. The Corporation Act of 1661 required all members of corporations to accept the doctrine of passive obedience, to renounce the covenant and to take the sacrament according to the rights of the Anglican church. The act was intended to weaken the strength of Presbyterians in town councils. The Act of Uniformity of 1662 laid down that every clergyman, schoolmaster and fellow of a college should accept the Book of Common Prayer which alone could be used in public worship, that they should take the oath of non-resistance and renounce the Solemn League and Covenant and that every minister must be ordained by a bishop. This act was directed against the Puritan clergy who refused to conform to it and were ejected from their livings. The result was that the Presbyterians gave up the idea of comprehension. These non-conformists became a powerful political and religious party which later on secured toleration. The Conventicle Act of 1664 forbade meetings of more than five persons for religious worship, except in accordance with the Book

of Common Prayer. This act was intended to prevent the dispossessed clergymen to continue their ministrations in secret. The Five Mile Act of 1665 forbade all ejected clergymen to teach in schools and to come within five miles of any corporate town. These acts were very severe and made it difficult for non-conformists to obtain religious instructions and for their ministers to make a living. Consequently they suffered very much.

The Cavalier Parliament also opposed Roman Catholicism and in 1663 prevented the king's attempt to give Catholics and non-conformists some measure of toleration by the exercise of his dispensing power by

the Declaration of Indulgence.

In 1664 it repealed the Triennial Act of 1641 and hence there was not left any provision relating to the duration and calling of parliament but it was at the same time provided "that parliament should not be interrupted

or discontinued above three years at the most."

It asserted its right of controlling the executive by the appropriation of supplies in 1665 and by the appointment of commissioners to audit account in 1666 and by the impeachment of Clarendon in 1667 in which the principle of the responsibility of ministers to parliament was involved. In 1663 the Convocation ceased to tax itself and surrendered the right of taxation to parliament.

Parliament dissolved the Scottish Union and thus the Scottish Parliament recovered its independence.

A council was formed in Scotland Restoration Settleto advise the king. In 1661 the ment in Scotland. Scottish Drunken Parliament passed an Act Rescissory, restoring all royal prerogatives and power. Its elections were con-Political. trolled by the king. Another Act declared the choice of all ministers and privy councillors to be an "inherent part of the royal prerogative". No acts were to be binding without the approval of the king. The sole command of war and peace, militia and all armed forces was vested in the king. All officers were to take an oath of allegiance acknowledging the supremacy of the king "over all persons

and causes". An annual grant in custom and excise was voted for life.

In matters of religion all legislation since 1638 was repealed, the existing constitution of the church was abolished and general assemblies Religious. were discontinued. An act was passed which pledged the king to maintain the reformed Protestant religion, to settle the government of the church "in such a frame as shall be most agreeable to the word of God and most suitable to the monarchical government". These acts of the Scottish Parliament created an ecclesiastical revolution in Scotland. It also stated that "the disposal of the external government of the church doth properly belong to his majesty as an inherent right of the crown by virtue of his royal prerogative and ecclesiastical supremacy". Bishops were restored to all their privileges. The covenants were declared to be unlawful oaths. All office holders were called upon to repudiate them. All resistance to the crown was declared unlawful. All teachers in private families were to receive episcopal approval. Those ministers who absented themselves from bishop's visitation were to be deprived of their offices. People were forbidden to attend private conventicles. There was a Scotch Mile Act which forbade any minister not so ordained to live within twenty mile of his parish or within three miles of a royal borough. Thus episcopal government was established in the Scottish church. Presbyterian clergy were made to accept episcopal ordination and presentation from the patrons of their livings. But this episcopal organisation which was forced on Scotland by the strong arm of the executive was unpopular and insecure. Royal absolutism in Scotland was however based on firm foundations. Nobles, gentry, bishops and burgs supported it. The Scottish privy council was composed of royal nominees. There was also permanent royal revenue and royal army. In England, on the contrary, episcopacy was strong but

royal absolutism was weak because parliament imposed a number of restrictions on the king. Scotland however got its independence, its parliament, its law courts and its council after the restoration.

Edward Hyde Earl of Clarendon was the minister of the king from 1660 to 1667. In the Long Parliament he had at first supported the Clarendon. opponents of the king but he soon got dissatisfied with their extremism and became the leader of the moderate party. He supported the king owing to the attack of the Long Parliament on the Anglican church, to the unfairness of the Grand Remonstrance and to the fear of revolution. He shared the exile of Charles II and returned in 1660. He took an active part in the work of Convention and Cavalier Parliaments. He desired His political views. to establish a strong monarchy and regarded the attempts of parliament to appropriate supplies and to appoint auditors as undue encroachments upon the royal authority. He recognised the importance of parliament and believed that the king ought to work harmoniously with it. He saw the need of some constitutional limitations on the power of the crown

He strongly supported the Anglican church and made efforts to get the church property restored and the bishops returned to the House

and thus aroused the anger of Charles. He opposed

the king's wish to secure a standing army and a large

the bishops returned to the House of Lords. He opposed all schemes of comprehension and toleration and tried to enforce uniformity of belief and worship. He persecuted the non-conformists and was largely responsible for the Clarendon Code. He also persecuted the Roman Catholics and opposed the plans of Charles to secure some measure of toleration for them. Thus he made enemies of all classes, Charles was enraged by his refusal

Opposition to his to give toleration to Roman Catholics, by his action in limiting the grants made by parliament to

the king, by his opposition to the maintenance of a standing army and by his 'long sermons' in which he reproved the king for his immorality and extravagance. His regard for morality offended the dissolute courtiers who combined to ensure his overthrow. The Commons strongly resented his opposition to their demands for appropriation of supplies and the audit of public accounts. The Protestant non-conformists and Roman Catholics hated him for his share in the Clarendon Code. The nobles objected to the marriage of his daughter Anne to the Duke of York. The Cavaliers held him responsible for the Act of Indemnity and Oblivion. He also roused national opposition by the sale of Dunkirk to Louis XIV and was supposed to be responsible for the mismanagement of finances and of the Dutch war.

In spite of his upright conduct and unswerving loyalty he was sacrificed by Charles to appease the growing discontent which had led people to regard the fire of London, the plague, and the presence fo the Dutch in the Thames as divine punishments for the dissoluteness and mis-government of the time. He

His impeachment. was impeached for high treason by the Commons before the Lords (a) for arbitrary and illegal imprisonment because he had caused people to be imprisoned on sufficient grounds and had deprived men of the right of Habeas Corpus by imprisoning them outside the kingdom, (b) for persuading the king to keep a standing army which charge was false, (c) for the sale of Dunkirk and (d) for a subservient alliance with France. The charge of high treason was not warranted by facts. The importance of the case however lay in the fact that parliament showed that it was determined to control the executive. He was banished in 1667 and fled to France.

In 1667 the Commons and the Lords passed resolutions that the judgment in Rex versus Eliot, Hollis and Valentene (1629) regarding the freedom of speech

was illegal and also that the act of parliament commonly called Strode's Act (1512) was a general law declaratory of the ancient and necessary rights and privileges of parliament. The judgment was reversed by the Lords in 1668 on being brought before it by a writ of error. The Bill of Rights secured this freedom of speech from any interference by court.

On the fall of Clarendon in 1667 Charles fearing the opposition of parliament determined to rule through a small executive council of ad-'Cabal', 1667-1673. visers, namely, Clifford, Arlington, Buckingham, Ashley and Lauderdale. The initials of their names in the above order spelled by coincidence the world 'Cabal'. Some writers trace the origin of cabinet to this body or Cabal of secret advisers. They were however not united in policy nor collectively responsible for it as a body to parliament, for the king took the advise of members individually and kept his plans concealed from other members as he liked. They carried out the wishes of the king. Parliament had no knowledge of what advice was given by whom and hence found it difficult to hold any one responsible for a particular advice or act. This group of advisers was to be the instrument by which Charles hoped to carry out his schemes. It could be dismissed by him whenever he liked.

In 1668 parliament refused to agree to a scheme of Protestant comprehension. In 1669 Charles declared himself to Clifford and other leading Charles, a Roman Catholics as a co-religionist and Catholic. asked their advice as to the best means of establishing Catholicism in England. 1670 he signed the famous Secret Treaty of Dover with Louis XIV to gain his ends. He was to get French money and to declare Secret Treaty of himself a Roman Catholic when-Dover. ever he found convenient. In 1672 he alarmed the nation by his Declaration of Indulgence

Second Declaration of Indulgence.

which suspended the laws against Protestant nonconformists and Roman Catholics. The king had the right of dispensing with penal laws in in-

dividual cases and right of pardoning an individual offender. This could not, however, be extended to a whole body of statutes. King's ecclesiastical supremacy could also not allow this, for 'penal statutes in matters ecclesiastical cannot be suspended but by an act of parliament'. In 1673 parliament forced Charles to withdraw the Declaration and to pass the Test Act ordering all holding any civil or military office

under the crown to take the Test Act. sacrament according to the Anglican rite and to make a declaration against transubstantiation. This resulted in the resignation of James Duke of York, the Lord High Admiral, who had become a Roman Catholic in 1669 and of Lord Clifford, the Lord Treasurer, and in the break-up of the Cabal

or the secret body of advisers. The victory of parliament was constitutionally important. The king

had made a deliberate attempt to Ats importance. extend the dispensing power of the crown into a right to suspend parliamentary statutes. It was however defeated. The king's ecclesiastical

supremacy was declared subject to law. A powerful combination of ministers and secret advisers was checked and dissolved. Two officers of state were compelled to resign. One of them was the heir apparent. Parliament also successfully asserted its right to control if not to dictate foreign policy of the crown. This parliamentary victory over the king's prerogative

profoundly modified the restoration settlement.

There developed during this period some causes of conflict between the House of Lords and the House

of Commons. The case of Skinner v. the East India Company raised Conflicts between the important issues as as the royal pre-House of Lords and the House of Commons. rogative, parliamentary privilege,

and the jurisdiction of the House of Lord. The

important facts in the case were that one Thomas Skinner who, fearing that the ordi-Case of Skinner v. nary courts would not give him East India Company. redress for injuries done to his property in India by the East India Company, had petitioned the king, was referred by the King in Council to the House of Lords. He was a merchant and had set forth in the petition his sufferings under the barbarous oppressions of the East India Company. The House of Lords determined to act on the reference and to exercise an original jurisdiction in a civil case. It awarded him £ 5,000 as damages. The East India Company petitioned the House of Commons against this interference of the House of Lords in original civil cases. The House of Commons opposed this claim

hence forward to claim or to exercise an original jurisdiction in civil cases where the parties were commoners. In 1675 again another equally serious quarrel took place between the two Houses in the case of Shirley v.

of the House of Lords, asserted the rights and liberties

of the commons of England and their own privileges

and championed the cause of the East India Company.

This quarrel lasted from 1666 to 1670 and was only

ended by the king who persuaded both the Houses to

drop the quarrel and to erase all records of it from their

journals. The Lords technically refused to waive

their original claim as a fact. However they ceased

Fagg. It was due to a disputed claim about appellate jurisdiction.

Sir John Fagg a member of the House of Commons had obtained a verdict against Dr. Thomas Shirley in the Court of Chancery. Shirley by a petition brought the case on appeal before the House of Lords who ordered Fagg to appear and answer at their bar. The House of Commons took up the case of Fagg. It wished to assert its right of freedom from legal proceedings while parliament was sitting and opposed the appeal as a breach of privilege. It contended that the members of their house were exempted by privilege from legal process during the session of

parliament and that the Lords had no appellate jurisdiction in equity cases. The Lords contended that an appeal lay to their House from all inferior courts and that the claim of privilege could not bar their right to do justice. There were arrests and counter arrests to assert their conflicting interpretations of their respective privileges. There were also a series of fruitless conferences and a complete deadlock. The king's attempt to restore harmony failed. Parliament was then prorogued. The Lords however won. They henceforward exercised without protest an appellate jurisdiction in equity cases.

The case of Edward Bushell (1670) is important for establishing the immunity of jury from fines for

their verdict. Bushell a member of a jury who had acquitted two accused in a case for preaching in London in spite of the Conventicle Act had been fined by the recorder 40 marks and committed in default of payment to prison. The return on the writ of Habeas Corpus stated that the prisoner was committed for finding "contra plenam et manifestam evidentiam et contra directionem curiae in materia legis". Chief Justice Vaughan ruled that the return was insufficient and thus established the principle of immunity of jury from fines for their verdict.

The case of Thomas v. Sorell (1674) involved the question of the dispensing power of the crown.

Case of Thomas v. Company, of which Sorell was one, a patent with power to sell all wine notwithstanding the statute of Edward VI. A statute of Charles II (1660) also forbade selling of wine on retail without a licence. Chief Justice Vaughan decided that the dispensation contained in the letters patent was valid. He stated that the king cannot dispense with any general penal law made for the general good or the good of a third party but that he may dispense in the case of an offence against a law the breach of which would only affect the king himself and would not be to the particular damage of a third party. The

plaintiff Thomas who had claimed a large sum of money from the defendant Sorell for selling wine on various occasions without a licence contrary to the statute of Charles lost the case. After the Bill of

Rights the doctrine of non-obstante was given up.

After the dispersal of the Cabal in 1673 Sir Thomas Osborne, Earl of Danby became the king's chief adviser. During his ministry (1673-1679) there was a growing dread of Popery and French ascendancy in the country. There took place six secret treaties

between Charles and Louis from Danby as chie 1667 to 1678. Charles' policy was minister. to strengthenh himself with the

French help and money. He also hoped to get money from parliament for the maintenance of the army and for strengthening his foreign alliances. Parliament however had compelled Charles in 1674 to end the third Dutch war by threatening to refuse supplies. France and Spain had therefore each started bribing the members of parliament to prevent England joining her opponent. Still the marriage of Mary daughter of James took place with William of Orange in 1677. It marked the end of hostility to Holland and strengthened the king's position at home.

There was however a growing opposition to the king. The issue of the Declaration of Indulgence had

opposition to the king.

The Stop of the Exchequer.

Causes of growing

already caused indignation in the country. The king's extravagance aroused suspicions that he was receiving financial assistance from Louis XIV. In 1672 the Stop of the Exchequer resulted in a commercial crisis. Investers had entrusted money to London goldsmiths who made a considerable

profit by lending it on the security of the revenue to the Exchequer at a higher rate of interest than they paid to their own clients. The Exchequer owed £ 1,300,000 on this account. All payments were however stopped by royal proclamation for twelve months and the rate of interest was reduced from twelve to

six per cent. This created great distress amongst those who had lent the money. The Duke of York's open acknowledgment of Roman Catholicism created the suspicion that Charles also might be a Roman Catholic. James' marriage to Mary of Modena a Roman Catholic in 1673 was unsuccessfully opposed. A Bill for Protestant Securities excluding from the throne the husband of a Roman Catholic could not be passed, but violent suspicious were revived because of the marriage and the talk of a Protestant succession soon began.

These discontents, suspicions and opposition led to the rise of the country party. It was led by Sir

Anthony Ashley Cooper, Earl of Shaftesbury. Shaftesbury. He was a member of the Short and Long Parliaments in Charles I's time. At first he was on the side of the king but later he sided with parliament. He, however, quarrelled with Cromwell and strongly supported the restoration of Charles II, acting as one of the commissioners who invited Charles to return. After the restoration he was created Baron Ashley and appointed chancellor of the Exchequer. He was a member of the court party from 1660 to 1667. He was however strongly opposed to the religious persecution of non-conformists. He helped in overthrowing Clarendon. He was a member of the Cabal and in 1672 become Lord Chancellor. He supported the Declaration of Indulgence and was made Earl of Shaftesbury. His policy was to secure toleration for non-conformists and to unite all against absolutism at home and danger from abroad. He left the king's party in 1673 when he discovered that Charles had agreed with Louis XIV to establish Roman Catholicism in England. He then became the leader of the country party.

Its aims were to prevent the king from gaining absolute power and from establishing Roman Catholicism. It refused to accept toleration as a result of the dispensing power of the king. It

denied the king's right to dispense with penal statutes without the consent of parliament. It supported the Test Act. It unsuccessfully opposed the marriage of James with a Roman Catholic and its Bill for Protestant Securities excluding from the throne the husband of a Roman Catholic was not passed. In foreign policy it was strongly opposed to Louis who was suspected to be supporting Charles' schemes. It compelled Charles to make peace with the Dutch in 1674. In the previous year Shaftesbury was deprived of the office of Lord Chancellor after he had left the court party and was dismissed from the Privy Council and removed from Lord Lieutenancy of Dorset.

The king finding that the non-conformists could not be won over tohis support sought the support of Earl of Danby. Danby was a Earl of Danby's strong Anglican, an opponent of Ministry. Roman Catholicism and non-conformity and a supporter of royal authority. Thus Danby's ministry meant an alliance of the crown and the High Church Party. Danby's policy was, however, directed to restore harmony between the crown and parliament. He adopted systematic corruption of members for getting parliamentary majority in order to maintain his position and to carry out his policy. He abandoned the schemes of Indulgence and enforced the penal laws against Protestant non-conformists and Popish recusants. He was opposed to France and in favour of an alliance with Holland. Charles, however, wanted French alliance for its money and support, and desired to rule as he liked and not at the dictation of the Anglican or the cavalier party.

In 1675, Danby who was the leader of the court party introduced a bill to compel all state officials and members of parliament to take the oath of non-resistance, "not to endeavour any alteration in the government in church or state as it is by law established".

This bill was carried in the House of Lords in which the court party was strong but the country party got it rejected in the Commons. Its object was to drive the Catholic Lords from the Upper House and the Presbyterians from the Lower. There was at this time a dispute going on between the Houses in the case of Shirley v. Fagg and hence the bill coming from the Upper House was not favourably considered. The Lower House repeatedly urged Charles to declare war on France but refused to vote the necessary supplies as it was afraid of the growth of his power. Charles was bribed by Louis to prorogue parliament as he feared that the country party would insist on a war with France. Therefore parliament was prorogued for fifteen months from November 2, 1675 to February 15, 1677.

In 1677, parliament reassembled. Lord Shaftesbury was committed to the Tower by the Lords during the pleasure of the House on a charge of high contempt for protesting against the long prorogation of parliament and for attempting to force a dissolution. He was brought up in the King's Bench on a writ of Habeas Corpus when the question of the sufficiency of the writ was argued. The judges held that the return was not examinable in the King's Bench when parliament was sitting. An application to an inferior court was voted as a breach of privilege by the Lords. Shaftesbury had therefore to beg their Lordships' pardon for bringing his habeas corpus. This he did and then was discharged.

The country party got rejected in the Commons a bill introduced by Danby which provided that in case of the accession of James the Arch
Danby and the bishop of Canterbury should act as a guardian of the king's children and that vacancies in the episcopate should be filled by the Archbishop. This bill was considered as an inadequate protection for the Protestant cause by the Commons. The country party was anxious for war with France

and wanted to help Holland. The House of Commons refused to grant money until it knew what Charles' alliances were. It feared that the army of 20,000 men assembled for these objects would be used by Charles to strengthen his own power and to support the cause of Roman Catholicism. It therefore demanded its disbandment. Charles however refused to admit the claim of parliament to control foreign policy. Louis was also afraid of this army. He therefore bribed Charles in the fifth Secret Treaty by a promise Charles' secret treat. of paying £1,600,000 to prorogue ies with France. parliament until 1678. He however got angry at the marriage of James' daughter Mary to William of Orange which Danby had arranged in 1678. Therefore he refused the promised subsidy. Charles consequently summoned parliament in February, 1678.

Charles now wanted war with France and again collected an army of about 20,000 men. A treaty was made between England and Holland to force France to make peace with the Dutch. The country party which had however accepted bribes from Louis demanded the disbandment of the army. Charles annoyed at the refusal of the country party to support the war against France again thought of an alliance with Louis, and five days after supplies had been voted in parliament for war against France he compelled Danby to write a letter to Louis proposing a new treaty and demanding a fresh pension. Thus was made the sixth Secret Treaty in which Charles promised in return for a subsidy of six million livres for three years to use his influence to secure a favourable peace for France. The peace of Nimwegen (1678) ended the war between France and Holland.

In 1678 in the case of Hamond v. Howell it was held that an action could not be against a judge for what he did judicially but erroneously. The plaintiff who was a juror and was unlawfully fined and committed for non-payment had brought an action against the court for false imprisonment. The Court of Common

Pleas. decided it. No judge is now liable for an action before any tribunal for any judicial act or omission except for refusing a writ of Habeas Corpus in vacation which has been expressly provided for the Habeas Corpus Act (1679).

In 1678 occurred the Popish Plot episode invented by one Titus Oates. Jesuits were accused of it. Their object was stated to be the murder of Charles and the enthronement of James and to kill Protestantism. The Duke of York was supposed to know the secret. This episode led to the banishment of all Papists from London and the committing of five Catholic peers to the Tower. The Commons brought in a bill to exclude Roman Catholics from parliament and passed the Disabling Act. The Roman Catholic peers quitted the House of Lords and were not admitted till 1829 when the Catholic Emancipation Act was passed, and the Duke of York was banished at Danby's suggestion.

Louis at this time no longer requiring the assistance of Charles refused to give another pension and revealed the sixth Secret Treaty to parliament made by Charles and signed by Danby. He also published the letter of Danby in question in order to gratify his desire for vengeance on Danby for his action in promoting the marriage of Mary and William of Orange. The House of Commons, therefore, believing in the existence of the Popish plot and fearing the establishment of Roman Catholicism with the help of Louis followed the lead of Shaftesbury and the country party and impeached Danby for high treason.

Impeachment of The Commons held Danby reponsible although the treaty and demand

for a pension were acknowledged by the king as his own acts and although he stated that Danby signed at his command. Charles tried to save Danby by issuing a pardon under the Great Seal, but the Commons maintained that no such pardon could be pleaded in bar of impeachment. The trial was an attempt of

parliament to gain control over the executive. It tried to establish the responsibility of ministers to parliament.

Cavalier par iament dissolved.

Charles tried to save Danby by dissolving parliament in 1679. Thus ended the Long Parliament of his

reign. The points decided in this case were that a minister of the king could be put on trial on charges known to be unfounded against him but well founded against the king, that the king's written order could not be pleaded in defence, that a pardon from the king could not avail to stop the trial and that prorogation or even dissolution of parliament was not to interrupt the proceedings and to require them to be begun anew.

The period from 1679 to 1683 was important for the Exclusion Bill controversy, the formation of parties,

the influence of Louis over par-Third Parliament. liament and the passing of the Habeas Corpus Act. In 1679 the third or Habeas Corpus parliament met, lasting from March, 1679 to May, 1679. During its elections Shaftesbury had gone round in the country speaking in favour of the members of the country party. Candidates were required to pledge themselves to support the Exclusion Bill in parliament. There was a strong anti-catholic majority returned to parliament owing to the fear created by the Popish plot, the impeachment of Danby and the suspicion and distrust of the king. There was a renewal of Danby's impeachment. It was however dropped and he was committed to the Tower where he remained for five years. Parliament passed the Habeas Corpus Act. It was meant Habeas Corpus Act.

to prevent arbitrary imprisonment and illegal detention of political offenders. The writ of Habeas Corpus which was issued of right was sometimes evaded by delay on the part of the gaolor in making returns to the writ and by moving the prisoner from place to place. The jurisdiction of courts was also not clear. The provisions of the new act were that (1) any judge could during vacation award a writ of Habeas Corpus to any prisoner accused of crime

other than treason or felony on request being made in writing, (2) prisoners tried for treason and felony should be tried at the next sessions or released on bail and they should be discharged if not indicted at the following sessions, (3) gaolers disobeying the writ were to pay the aggrieved party £ 100 for the first offence, and on a second offence to pay £ 200 and to lose their office, and any judge illegally denying a writ was to pay £ 500 damages, (4) no prisoner once delivered by Habeas Corpus to be re-committed for the same offence and (5) no inhabitant of England or Wales to be imprisoned in Scotland or beyond the seas. This act did not introduce any new principle or confer any new right. It assured speedy trial. The right of personal liberty was very old. It remedied the evasions and encroachments of this right. Its chief defect relating to the amount of bail was however remedied later by the Bill of Rights. In 1816 it was extended to noncriminal cases and the judges were made to determine the accuracy of return.

In this parliament Shaftesbury brought forward the Exclusion Bill to prevent the accession of James

Duke of York to the throne. It was read twice in the Commons, but Charles dissolved the parliament in May, 1679 before the bill could

be passed there. He was against it.

In this year there was also developed Sir William Temple's plan for the reorganisation of the Privy Council. The earlier arrangement

Temple's plan of the Privy Council. The earlier arrangement made by Charles I was its division into committees for administrative purposes. They were revived by Clarendon during his ministry. The committee for foreign affairs became very important But this system of committees got discredited because of the unpopularity of the Cabal of 1667 to 1673 and of the difficulty of ensuring harmonious relations between the legislature and the administration. Charles II became willing to agree

to Temple's Scheme owing to the violent opposition of the parliament of 1679. Charles wanted to limit the power of parliament and the parliament that of the king and his ministers. The scheme provided for the reorganisation of the Privy Council. It was to consist of thirty members, half to be the officers of state, and ten lords and five commoners to be the other half. The king promised to act according to the advice of this council to which all state secrets were to be disclosed. Thus this council was intended to act as a check upon the royal power. As a constitutional experiment the scheme however failed to reconcile the executive and the legislature. The new council was too large and too mixed for the purposes of administration which required secrecy, unanimity and rapid execution. Shaftesbury was made its president. The power and work however fell again into the hands of an inner cabinet of four, namely, Temple, Halifax, Essex and Sunderland whom Charles began to consult and this body became supreme. Thus the old evil of government by a small committee of advisers again arose. There also resulted grave differences between the inner cabinet and other twenty-six members and especially between Shaftesbury and Halifax. The king acted on the advice of the small cabinet and prorogued his third parliament without consulting the new council. Thus there did not develop any reconciliation between the king and parliament.

The fourth or Exclusion Bill parliament was elected in 1679 but was prorogued by the king for one year.

This action led the country party at Shaftesbury's instigation to present petitions to the king that parliament should meet. The Green Ribbon Club which contained the most active agitators and opportunists of the party collected signatures to petitions from all parts of the country in order to demand an early meeting of parliament. They were therefore called 'Petitioners' and nicknamed 'Whigs' from the term 'Whigamore' used for the wild and stern-looking

covenanters of south-west Scotland who used the cry 'Whiggam' for cheering up there horses and who had murdered an archbishop and risen in rebellion against the crown. The partisans of monarchy transferred this name to those whom they accused of a desire to introduce Presbyterianism and republican principles in England. This accusation involved a suggestion of treasonable opposition to the crown. The court party of loyalists which was also gradually growing stronger organised counter addresses expressing abhorrence of any attempt to encroach upon the undoubted royal prerogative of Abhorrers or Tories. summoning parliament at will and to force the king to summon parliament. Hence they were called 'Abhorrers' and nicknamed 'Tories' a term used by their opponents after the wild Irish who were Popish outlaws living in refuge in the bogs of Ireland and gaining their livelihood by highway robbery and were supporters of Roman Catholicism.

Parliament met in 1680. The Exclusion Bill was passed by the Commons but rejected by the Lords through the influence of Halifax. The country party was supporting the Duke of Monmouth as the heir after Charles II whose illegitimate son he was. Monmouth was however popular and Protestant, while James was unpopular and Roman Catholic. Halifax, Sunderland and Essex of the inner cabinet objected to Monmouth on account of his illegitimate birth. They resented Shaftesbury's violent methods and supported the cause of Mary who had the next claim to the throne after her father James and who was a Protestant.

There also grew up a strong feeling in the country that the Roman Catholicism of James ought not to prevent the succession of his Protestant children. It also seemed possible that Shaftesbury's policy might lead to civil war. His action in 1680 in presenting the Duke of York as a Popish recusant before the grand jury of Westminster failed, because the chief

justice quashed it on a technical point. His extreme methods created a feeling in favour of Charles.

Halifax who wished to protect the interests of Mary and William induced the Lords to pass a Bill for Protestant Securities which while allowing James to succeed would have greatly limited his power. The Bill was however thrown out by the Commons. They refused to vote supplies until the Exclusion Bill was passed. They demanded the expulsion of Halifax from the council. Charles therefore dissolved parliament on January 18, 1681.

Charles secured a promise of £ 2,50,000 a year for three years from Louis who feared that if James were excluded William of Orange might unite England and Holland against France. He then called the fifth parliament of his reign in 1681 at Oxford. Oxford has always been loyalist. London was fanatically anti-Papist. The Whigs fearing an attack appeared in the Oxford parliament in arms and were accused by the court party that they were preparing for civil war. Shaftesbury insisted on the recognition of Monmouth as heir to the throne.

Exclusion Bill. The Exclusion Bill was again brought forward. Charles offered Shaftesbury that James should be banished and William of Orange should act regent for him. But Shaftesbury refused. Hence Charles dissolved parliament in 1681.

As a politician Shaftesbury was clever and clear-sighted. He was a firm supporter of religious toleration and limited monarchy. He had supported the Test Act to check royal power. He was however utterly unscrupulous in his methods. The importance of his country party lay in that it recognised the necessity of limiting the authority of the crown and believed in the cause of Protestantism. Therefore it opposed Louis' diplomacy and James' succession. Its policy was justified as was seen from the plot of Charles and Louis in their Secret Treaties to restore Roman

Catholicism and king's independence and from the policy which James pursued when he came to the throne. But its methods were extreme. It made a shameful use of the disgraceful Popish Plot to strengthen its position. It refused to accept the reasonable offer of Charles at Oxford parliament and supported the Exclusion Bill very factiously. Its support of Monmouth's candidature was against prior hereditary rights. Therefore its position got weakened by its actions and utterances. Charles seeing a strong reaction in his favour on account of its extremism and the episode of Popish Plot dissolved the parliament of 1681 and did not call a new one again.

In 1681 there was the case of Edward Fitzharris which involved the point of dispute whether a com-

moner can be impeached or not. Case of Fitzharris. Fitzharris was impeached for high treason. The Lords however resolved that he should be proceeded with according to the course of Common Law and not by way of impeachment in parliament, and that in every case the commoner was entitled to have a trial by jury at the Common Law. Thereupon the House of Commons resolved that it was the undoubted right of the Commons in parliament assembled to impeach before the Lords in parliament any peer or commmoner for treason or any other crime or misdemeanour and that the refusal of Lords to proceed in parliament upon such impeachment was a denial of justice and a violation of the constitution of parliament, and that for any inferior court to proceed against Edward Fitzharris or any other person lying under an impeachment in parliament for the same crimes was a high breach of the privilege of parliament. Parliament was dissolved on March 28, 1681 and he was tried before the King's Bench. The plea that proceedings were pending against him in the House of Lords was ruled out and he was convicted and executed on July 4, 1681.

From 1681 to 1685 Charles ruled without parliament and depended on the support of Louis for money.

The Whigs were defeated and discouraged and the Tories became triumphant. It was a period of Tory reaction and royal absolutism. Charles received

£2,50,000 a year from Louis XIV, which were paid on condition that he did not summon parliament. He did not require parliament's help also because his income from the customs was growing and there were no wars for which money was necessary. He had thus become practically independent of parliament. He now increased his guards to 9,000 men. The power and forces of the country party were broken after the Oxford parliament of 1681. The king received strong support from the majority of the people.

After this the king's wrath fell on Shaftesbury who was accused of high treason but was acquitted by the

Shaftesbury accused of high treason but failed to form an association in favour of parliamentary government and the Exclusion Bill. He therefore fled to Holland in 1682 and died in 1683. In 1682 Monmouth was arrested and accused of a share in the Rye House plot. He was however pardoned. In 1684 he fled to Holland. After Shaftesbury's flight some of the leaders of the country party, namely, Lord Howard, Lord Russell, Lord Essex and Algernon Sydney formed an association to compel the king to summon parliament. Then there was a distinct plot formed by Colonel Rumbold an old Crom-

wellian and one of Shaftesbury's violent supporters without the know-ledge of the leaders of the country party to assassinate Charles and James on their way to Newmarket races at the Rye House which belonged to him. Both the association and the plot were discovered. The crown lawyers in order to break up the country party successfully implicated Howard, Essex and Sydney in Rumbold's plot. Howard turned informer, Essex committed suicide and Russel and Sydney were executed. These executions were really judicial murders because the jurors were packed by the Tory sheriffs of London.



Two witnesses who were necessary to prove treason were not called for and hearsay evidence was admitted. These proceedings were reversed at the time of the Revolution as being incorrect in law and fact. The penal laws were rigidly enforced against non-conformists. The charters of towns which supported the Whig party were confiscated. In 1683, Charles issued a quowarranto

Quowarranto against the city of London accusing the corporation of illegally imposing tolls by their own bye-laws,

of petitioning the king to summon parliament and of publishling the petition in 1679. The judgment was given against London by the court of the King's Bench. Its charter was declared forfeited. The king remodelled the corporation under a new charter and brought it under his control. In a similar way corporations of many other towns were remodelled either on forfeiture or voluntary surrender. Judge Jeffries in 1684 when on the northen circuit made all charters fall down before him. These measures secured a Tory majority in town councils.

During 1683-1685 the question of monopolies was discussed in the case of the East India Company v. Sandys or the great case of monopolies. It was held by the Chief Justice Jeffreys that the grant of sole trading to the company was good. The law of 1623 had reserved the rights of corporations and of 'any companies or society of merchants'.

The king's absolute power was supported by many of the Anglican clergy who preached the duty of non-resistance and in 1683 the University of Oxford declared the theories, namely,

Support of absolute that all civil authority was derived originally from the people and that there was a compact, tacit or express, between the king and his subjects, to be "false, seditious and impious". Sir Robert Filmer in his Patriarcha had maintained that "as kingly power is by the law of God, so hath it no inferior power to limit it". Though

Charles ruled absolutely he did not impose any arbitrary taxes, exercise any censor-Charles' Acts. ship over the press or imprison any man without a trial. He had no need of money. His work was done by servile judges and jurors. He kept within the letter of the law. He however ruined the country party and controlled towns. He refused to call parliament in spite of the Triennial Act. He appointed James Lord High Admiral and summoned him to the Council in spite of the Test Act. Halifax however strongly protested against the violation of Triennial and Test Acts and urged the king to rule as a constitutional monarch. Charles Death of Charles, died in 1685 after declaring himself a Roman Catholic on his death bed. He believed in Roman Catholicism and had become one secretly even before 1660.

He was a man of bad character and habits, selfish and ambitious. He was untrustworthy. He possessed charming manners, and great wit Estimate of Charles' and was clever enough not to say character. foolish things. He is considered to be the ablest of the Stuarts. He made the most of favourable opportunities and bad circumstances. He proved a clever tacticism in diverting the wrath of parliament from himself to his ministers and in not offering useless resistance to parliament. He was securing absolute power during the last five years. Louis' example had influenced him. But his death saved English parliament and freedom.

Charles' reign was a process in the weakening of the direct authority of the king. His extraordinary prerogatives and privileges were done away with and were not revised. The ministers of the king were held responsible for his actions. Parliament kept a tight grip on the purse strings of the nation. Therefore it had to be continuously summoned.

Supplies of money could not be raised illegally. This led to parliament's control over government.

After the fall of Danby the result of the king's attempt at absolutism was to call into existence two parties; one of them, the Whig, was organised for opposing king's ideas of absolutism, and the other, the Tory, supported the doctrine of non-resistance and royal prerogative. Thus a political principle was substituted for a religious principle as the motive force dividing parties. Instead of the question being "shall there be bishops and the church" which divided one party from another, the question now became "may the king be resisted or not".

The revolution really began under Charles II. The design which James II undertook frankly and openly

Charles II and James and which lost him his throne was the same as that which Charles the same as that which Charles design

undertook in secrecy. This design was to re-establish Roman Catholicism and to found upon it a strong absolute monarchy. Charles' motives and actions easily pointed towards this. From 1681 he was set free to follow his own policy. He relied on Louis, on his suspending and dispensing power, army and on judges. Charles was however pliable and abandoned the scheme, but James was obstinate and destroyed it. Charles followed a similar policy in Scotland. The enforcement of Uniformity led to riots in 1666. Conformity was not possible there. The policy of persecution was followed against covenanters who met secretly for worship, especially in the western Lowlands where they were termed Whigamores. Some rose in rebellion but were suppressed. The second rising of the covenanters of the western Lowlands in 1679 was suppressed by Monmouth who because of his leniency was howover recalled. James who was then made royal commissioner treated the covenanters with great cruelty.

James II (1685-1688) who succeeded to the throne had shown courage and ability as Lord High Admiral.

He was of a stern and unbending character. His treatment of the Scottish covenanters James II. and his enemies was cruel. He wished to make himself despotic and England Roman Catholic. He hoped to do this by exercising the dispensing power of the crown. He also meant to rely on the support of the church and the army for the extended use of the royal prerogative. When he succeeded to the throne the people were strongly royalist because they were afraid of a civil war in the country. His position at the beginning of his reign was therefore very strong. Charles II had made the royal power absolute during the last four years of his reign. The nation as a whole favoured hereditary monarchy. The Tory party which contained most of the nobility and gentry and which now possessed a majority in the town council after their recent modelling supported the accession of James in the expectation of the ultimate succession of his daughter Mary who was a Protestant. The Anglican church accepted the divine right of monarchy and passive obedience to it. The University of Oxford was strongly royalist. The standing army which was increased by Charles numbered 10,000 men and was under king's control.

James however failed to realise the strength of the country's opposition to his policy. His methods were openly despotic and in favour of Roman Catholicism. He firmly believed in the divine right of kings and in the royal prerogative which could override law. He wanted to abolish the Test Act and the Habeas Corpus Act which were limits upon his absolute power in ecclesiastical and judicial matters. He determined to rely on the standing army and therefore increased it. He made an alliance with Louis and accepted gifts from him. He devoted all his time in achieving his aims of absolutism and Roman Catholicism.

At the beginnin gof his reign he promised "I shall make it my endeavour to preserve this government both

in church and state as it is now by law established. I shall not depart from the just rights and prerogatives of the crown. I shall never invade any man's property." He accepted coronation at the hands of the Protestant Archbishop. These utterances and acts impressed the country very favourably and strengthened their attachment to him. He however collected the customs duties without the consent of parliament and appropriated them. Judge Jeffries was his evil genius and instrument. He advised him in this course. He condemned Titus Oates to be flogged twice. He got imprisoned Richard Baxter a non-conformist minister of the highest character for protesting against religious persecutions. His trial was a farce.

His first parliament met from May to November, 1685. He summoned it to get money. It voted an annual amount of two million pounds for life. This grant made him independent of Louis' subsidies and also parliamentary control in future. Parliament petitioned him to enforce the penal statutes against Protestant non-conformists and Roman Catholics.

Earl of Argyle who was a strong Presbyterian returned from Holland and raised a rebellion in Scotland against the Roman Catholic king but was captured (1685) and execu-Argyle's execution. ted for high treason. Monmouth returned from Holland and proclaimed in favour of parliamentary government and religious toleration for protestant non-conformists But his mili-Monmouth executed. tary insurrection to gain the throne of England failed. He was captured and executed (1685). The rising was crushed very cruelly and a large number of atrocities were committed. Judge Jeffries who used to be drunk at the trials in the Bloody Assize, as it is called, condemned a large number to death or to slavery. He was created Lord Chancellor for his services.

The failures of the risings showed that the country on the whole was against disturbing James' rule. He

now went further. He began to issue commissions to Roman Catholic officers. He demanded supplies for a large standing army "to avoid such risings in the future".

James' measures gradually created a feeling of indignation and resistance in the country. After the execution and resistance in the country. After the execution of Monmouth his supporters of the country party united and advocated the claims of Mary (1685) to the throne. Louis' Revocation of the Edict of Nantes which had granted toleration to Protestants in France in 1598 under Henry IV of France also created a feeling of alarm and insecurity amongst the Anglicans in England. The approval of Judge Jeffries' judicial cruelties and his being made Lord Chancellor by the king showed the danger to the liberty of the subject. In 1685 James publicly attended mass according to Roman Catholic belief and dismissed Halifax from the Privy Council for protesting against the king's violation of the Test Act in appointing Roman Catholics to offices in the army.

Parliament reassembled on November 9, 1685. The Commons refused to give supplies until grievances were redressed. The Lords and the Commons protested against the illegal grant of commissions to Roman Catholics and the king's claim to the dispensing power. Parliament was therefore prorogued on November 20, 1685 and was not summoned again. James relied on the subservience and support of the judges and on the ideas of royal supremacy prevailing in the church and the army. He began to admit Roman Catholics to office under the dispensing power of the crown and removed those Dispensing power. judges who would not support him. This was the power claimed by the crown of exempting individuals from the operation of particular statutes. It was based on the old theory that the king made the statutes and could therefore grant exemptions from their operation. It was usually used to mitigate hardships caused by the enforcement of carelessly drafted

statutes and was usually exercised in pardoning offenders for breaches of the law actually committed.

In 1686 there took place the case of Godden v. Hales in which the question of the dispensing power was involved. Sir Edward Hales Case of Godden v. Hales. had been in 1673 in the army but had not taken the sacrament nor the oaths of allegiance and supremacy. He formally became a Roman Catholic on November 11, 1685. James gave him a dispensation by letters patent under the great seal. Hales by a collusive action brought against him was indicted and convicted on March 28, 1686. He then pleaded the royal dispensation. The case was argued on appeal before twelve judges in the King's Bench which was packed with king's favourites. Eleven judges agreed that the plea was good as the crown had the right to dispense with laws. They stated that there was no law whatever but might be dispensed with by the supreme lawgiver, that the kings of England were sovereign princes, and that the laws of England were the king's laws, that therefore it was an inseparable prerogative in the kings of England to dispense with penal laws in particular cases and upon particular necessary reasons, that of those reasons and those necessities the king himself was the sole judge and that this power was the ancient remains of the sovereign power and prerogative of the kings of England which never was taken from them nor could be and was not a trust invested in or granted to the king by the people.

Relying on this judicial decision James immediately appointed four Roman Catholic peers to be members of the Privy Council. This assertion of the absolute power of the crown to nullify statutes and of the theory that no statute could limit the king's prerogative threatened the liberty of the subject and parliamentary government.

The University of Oxford had always fully supported the royalist cause and had strongly maintained the illegality of any resistance to a king. Similarly the Anglican church believed and asserted the same doctrines. James therefore used his dispensing power to appoint Roman Catholics to ecclesiastical and academic posts at Oxford.

In July, 1686 he reastablished the Court of High Commission under the name of the Court of Ecclesiastical Commission to enforce the Court of Ecclesiastiroyal supremacy over the church. cal Commission. This was illegal because it had been abolished by parliament in 1641 and its abolition had been confirmed in 1661. The court consisted of Chancellor Jeffries as the president, Chief Justice Herbert, the Earls of Rochester and Sunderland and three other bishops and had jurisdiction over all clergymen and all teachers and were bound by no rules of legal procedure. Archbishop Sancroft refused to be its member. It suspended Compton, Bishop of London, for refusing to suspend Dr. Sharp, Rector of St. Giles-in-the-Fields who in defiance of James' orders had preached strongly against Roman Catholicism.

There was great indignation in London caused by this policy, by the reception of Papal Nuncio at court, and by the king's attendance at the Mass. There was a riot. James seized this opportunity to station an army of 13,000 men to overawe London and to strenghthen royal power.

In Scotland also James prorogued parliament because it refused to repeal the Test Act and tried to relieve Roman Catholics by declaring null and void all penal statutes passed against them. In Ireland he determined to overthrow the religious settlement of 1661 and to favour the Roman Catholics at the expense of the English Protestants. In January 1687, he dismissed Rochester and Clarendon from their offices of Lord Treasurer and Lord Lieutenant of Ireland because they refused to become Catholics. There he appointed Catholic peers to high offices

of state. This led to a growth of discontent and a feeling of alienation amongst the Protestant nobility.

James tried to gain the support of Protestant non-conformists for securing his objects. On April 4, 1687 he suspended all penal laws His First Declaration against Roman Catholics and Disof Indulgence. senters and annulled all religious tests on his own authority by the First Declaration of Indulgence. The suspending power was claimed as a part of the royal prerogative and was much more dangerous than the dispensing power in the case of individuals. It was quite contrary to all kinds of constitutional government. Many non-conformists were released from prison. But they were strongly opposed to Roman Catholicism and royal absolutism. They did not accept the divine right of monarchy nor toleration under a power which made laws null and void.

James dissolved the existing parliament and tried to gain a new subservient parliament in an unconstitutional and corrupt way. He appointed Regulators to remodel corporations by the admission of Roman Catholics and non-conformists and asked from Lord Lieutenants the names of Roman Catholics and non-conformists who would support him. But the Regulators failed and the Lords Lieutenants refused to carry out his orders. In consequence they were dismissed. This resulted in the alienation of the country gentry.

In 1687 the court of Ecclesiastical Commission made an attack upon universities. The Vice-Chancellor of Cambridge was dismissed from office for refusing to confer a degree on a Benedictine monk. The king nominated one Antony Farmer as President of Magdalen College, Oxford, whom the fellows of the college refused to accept. They had duly elected one John Hough. The court of Ecclesiastical Commission declared Hough's election void and installed Parker Bishop of Oxford and on his death Bonaventura Gifford, a Roman Catholic,

as President. It expelled the fellows and the scholars of Magdalen for not complying with its orders and appointed Roman Catholics in their place.

On April 22, 1688 a Second Declaration of Indulgence was issued by James. He ordered it to be read in churches by the bishops and His Second Declarathen clergies on two successive tion of Indulgence. Sundays. This led to the final alienation of the Anglican church from James. Archbishop Sancrost and six other bishops petitioned the king that they might not be compelled to break the Case of seven bishops. law by publishing an illegal declaradeclaration is founded upon such a dispensing power, as hath been declared illegal in parliament, and particularly in the years 1662 and 1672 and the beginning of your majesty's reign". The king called the petition a standard of rebellion. They were summoned to appear before the Council to answer 'matters of misdemeanour', by the advice of Jeffries. They refused to appear before the King's Bench on a charge of seditious libel, insisting upon their privileges as peers. On refusing to give bail they were committed to the Tower. Somers who was the counsel on behalf of the bishops stated that the petition was not libellous as it had been presented in private nor seditious as every subject had the right to petition the sovereign against a grievance. The bishops were entrusted with the carrying out of the Act of Uniformity and had a right to petition in that case. There was always a right to petition or appeal to the crown when the king or his ministers had done or were about to do anything contrary to law. There was no dispensing or suspending power which could do away with an act of parliament. The jury acquitted the bishops. The acquittal was received gladly Their acquittal. in the country and even by the army. An attempt to proceed against those clergymen who had refused to read the Declaration through the court of Ecclesiastical Commission failed. As a result the Anglican church which was previously a servile instrument of the king now became his strong opponent. It fought for established laws and constitutional government against the despotic acts of the crown.

In June 10, 1688 a son (Prince James) was born to the king and Mary of Modena. This event disturbed the hopes of a Protestant succession and alienated a large number from James' side. At this time James doubting the loyalty of the army brought over from Ireland some Irish soldiers. This offended the people very much and caused great discontent. These Irish soldiers were not sufficient to crush his opponents. Their coming led to a general resignation of Protestant officers.

James thus created general hostility against himself by his acts and measures. The Whigs were always opposed to him. He alienated the General hostility to Tory nobility and gentry, the James. church, the universities and the non-conformists. The birth of a son seemed to indicate the perpetuation of the Catholic succession and thus alarmed all of them. In consequence, on the day of the acquittal of the Seven Bishops on June 30, 1688 Admiral Herbert representing the Whigs, the Tories and the Church invited William of Orange to come to England with an army to restore national liberty and to protect the Protestant religion. In August even Sunderland who was James' chief supporter and Churchill, second in command of the army, promised their help to William. In fact the whole nation was united against James.

William of Orange was at first not for deposing James, because he had hoped for his opposition to Louis. He also saw that his wife Mary was ultimately to succeed. But James refused to oppose Louis actively and had an heir born to him. These facts changed William's position and attitude completely. He now

became willing to interfere. His political difficulties were also now over. William made a Declaration on October 10, 1688, enumerating James' illegal acts, breach of the Test Act, formation of the Court of Ecclesiastical Commission, interference with town charters, the trial of Seven Bishops, and claiming as husband of Mary, the heiress to the throne, the right of armed interference in England to maintain its laws, religion and constitution. He promised to leave the final settlement to a free parliament.

James now tried to give his tardy concessions by restoring the President and Fellows of Magdelen College, by reinstating the Lords Lieutenant, by dissolving the Court of Ecclesiastical Commission, by dismissing Sunderland, by excluding Papists from the House of Commons, by restoring forfeited charters, by reinstating bishops and by giving the Privy Council proofs of the legitimacy of his son. These concessions were too late. They did not win over the opponents nor the church nor the Tory party. In them there was no word of removal of Roman Catholic officers nor restricting the dispensing power.

William landed at Torbay on November 5, 1688 and gradually got more and more support amongst the people. Writs for a new parliament were prepared but James burnt the writs, threw the great seal into the writs, threw the great seal into the public business and escaped to France on December 23. Many Tories thought that James' flight absolved them from allegiance and joined William who marched to London and assured people of safety and protection.

Thus a revolution was created in England by a change of rulers without fight. The chief cause was James' illegal use of the prerogative to reestablish Roman Catholic religion and to give Catholics privileges which were not

allowed by law. He had threatened the continuance of the established church, of constitutional government and of the liberty of subject. The revolution succeeded easily because James acted foolishly. He refused to listen to the warnings of Louis of the danger of William. By his flight he dis-organised his adherents and removed one of the greatest difficulties of William and of those who had taken the oath of allegiance. There was no use made of force. The revolution was bloodless. All classes were tired of his arbitrary act.

- (Esse - December 2) per la companya de la companya del companya de la companya de la companya del companya de la companya del la companya del la companya de la companya

distribute a policy bay soul-disc.

## CHAPTER VII.

## THE STUART PERIOD (1689-1714)

5. The Revolution Settlement and the Rise of Parties.

William III (1689 to 1702) had become the Stadtholder of Holland in 1672 and had waged a war (1672
William III.

1678) against Louis XIV which had saved his country from French conquest. In the cause of Protestanism and civil liberty he played a similar part in English history. He was by birth half an Englishman as his mother Mary was the daughter of Charles I of England.

William on reaching London on December 18, 1689 kept his promise of leaving the settlement to a free parliament. He consulted the peers, Opinions as to the the surviving members of Charles course of settlement. II's parliament and the authorities of London and summened a convention parliament by issuing ordinary letters as James had burnt the writs for the new parliament. It met on January 22, 1689. There were a number of opinions as to the course of settlement to be adopted. Extreme Tories wanted to restore James on the condition that Extreme Tories. he did not change but protect the civil and ecclesiastical constitution of England. Moderate Tories followed Archbishop Moderate Tories. Sancroft whose view was that William should act as a regent and rule in James' name as James was unfit to rule and that Englishmen were bound by their oaths of allegiance to him. Other Tories. Other Tories followed Danby and Compton, Bishop of London, who regarded that James' son was illegitimate and that the crown had devolved on Princess Mary and she became queen because of

James' flight and desertion of the crown. The Whigs considered the throne to be vacant Whigs. and wanted to elect a new sovereign on conditions which would ensure good government. In the Convention Parliament the Whigs predominated and the Tories were depressed and divided.

The Commons passed a resolution that the king James "having endeavoured to subvert the constitution

Convention Parliament.

of this kingdom by breaking the original contract between king and people, and by the advice of Jesuits and other wicked persons having violated the fundamental laws, and having withdrawn

Commons' Resolution. himself out of the kingdom has abdicated the government and that the throne is thereby vacant". This resolution pleased a large number of people because there was a combination of both Tory and Whig views. But the Lords passed a resolution

that the throne was not vacant and Lords' Resolution. substituted the word 'deserted' for 'abdicated'. With the consent of Mary William thereupon publicly declared that he would neither act as a regent nor as his wife's 'gentleman usher' and that he would return to Holland if the crown were not offered to him.

The Lords then decided to accept the resolution of the Commons. It was decided to offer the crown to William and Mary jointly. William was to conduct the administration. However, before the crown was actually offered the Declaration of Rights was drawn up in order to Declaration of Rights. safeguard the constitution and to settle the terms of the "contract between king and people". It enumerated the misdeeds and illegal acts of James and asserted the vacancy of the throne owing to his abdication. It then declared "the true, ancient and indubitable rights of the people of this realm" namely, (a) that the sovereign had no right without the authority of parliament to suspend laws, to use the dispensing power, to levy money, to create commissions and courts

for ecclesiastical cases and to raise or keep a standing army in time of peace, and (b) that the subject had the right to petition the king, to have freedom of election to parliament which ought to meet frequently, to have freedom of speech in parliament and to be free from excessive bail, excessive fines and illegal and cruel punishments.

On February 13, William and Mary agreed to the Declaration of Rights, and Halifax then offered them

the crown of England in the name William's acceptance of parliament. William answered of the crown. "we thankfully accept what you have offered us" and promised that both of them would keep the laws and rule according to the advice of parliament. Neither the Whigs nor the Tories had an exclusive claim to William's favour. The Whigs wanted to limit his powers and the Tories though they were partisans of the crown had striven to prevent his accession and refused to take the oath of allegiance. On the same day the Convention Parliament was declared a regular parliament. This was the first parliament of the reign. The problem before it was how to devise effective machinery to carry out the revolution settlement in practice and to apply it to all details of government. It proceeded to make a settlement in politics and religion in the country. It passed a num-

Measures of parliament.

ber of measures which decided the character of the revolution settlement. The first thing it did was to make all officials of the state and the church to take the oath of allegiance and supremacy. Archbishop Sancroft, five other bishops and about four

Non-jurors.

hundred clergy refused to take the oath. They believed in the divine right of kings. They were willing to accept the revolution but regarded William as usurper. They held that parliament had no right to deprive a bishop of his office. These non-juring clergy were deprived of their livings. They formed a party of non-jurors which supported the Stuart cause and were high churchmen

in principles. Others who were more liberal theologians came to be called Latitudinarians. They were led by Tillotson and Burnet. Tillotson was appointed the Archbishop of Canterbury. A number of bishoprics were conferred mainly upon Whigs. The clergy however were largely Tory.

In religion William was a Calvinist and Mary an Anglican. Both of them had no Roman Catholic connection or inclination. They Toleration Act. were not against toleration. May, 1689 the Toleration Act was passed. It granted freedom of worship to all who would take an oath of allegiance and supremacy and subscribe a declaration against Papacy. It thus relieved the nonconformist ministers who accepted most of the thirtynine articles from the restrictions of the Act of Uniformity and the Conventicle Act. It allowed Quakers to make affirmation instead of taking an oath Quakers belonged to the Society of Friends, a religious sect founded by George Fox (1624-1690) who began his ministry in 1647, and were so called because they shivered and shook under religious excitement. Fox protested against formalism, rejected all creeds, sacraments, liturgies and professional ministries and relied solely on the inner light from God shining in the heart of the individual for a purely spiritual religion. The Toleration Act also recognised and protected all registered conventicles. But the act was not a full measure of Toleration. Papists and disbelievers in the doctrine of Trinity were expressly excluded from its benefits. The Test and Corporation Acts were not repealed till 1828. Parliament threw out a comprehension bill.

On December 16, 1689 parliament passed the Bill of Rights. It contained the provisions of the Declaration of Rights which had limited the prerogative of the king and asserted the rights of the subject. It also excluded from the throne all who should be members of the

Church of Rome or marry a Papist. The throne was settled on (1) William and Mary, (b) the children of Mary and in default of issue, (c) the Princess Anne and her children, and in default of issue, (d) the children of William. New oaths were to be taken by all place-holders, instead of the oaths of allegiance and supremacy, renouncing the counter-reformation doctrine that a heretic cannot rule and swearing allegiance to the King and Queen Another important provision was that no royal dispensation by non-obstante of any statute was allowed.

In 1689 the First Mutiny Act was passed which laid down that soldiers should be punished by a court martial for breaches of military discipline and that no standing army was to be maintained without consent of parliament. This Act now called the Army Act thus secured discipline and parliamentary control. It remained in force for one year only and therefore limited the power of the crown by necessitating the annual meeting of parliament.

William was by character patient, courageous and magnanimous. His fondness for Holland and his reserved manners made him somewhat unpopular with his English subjects. He chose his ministers from both Whigs and Tories. Danby and Godolphin were Tories, and Russel and Herbert were Whigs Halifax the Trimmer of both parties was also there. The convention parliament was dissolved at the end of 1689 owing to the violent attacks and proposals of Whigs against Tories, who were held responsible for many of the recent acts of mis-government. William wanted to conciliate both the parties. He would not listen to the Whig proposal.

The new parliament met in 1690. It had a Tory majority. It passed an Act of grace which gave indemnity for all previous political offences. Earl of Danby, a Tory, now Marquis of Caermarthen became William's chief

Minister. This parliament settled the revenue of the crown at £ 1,200,000 a year in time Revenue Settlement. of peace. Out of this £ 700,000 which were the proceeds of the ancient hereditary revenues derived from the rent of crown lands and of the excise on beer granted in 1660 in place of feudal dues, were given to William and Mary for life. They were, however, appropriated to the Civil List which included the personal expenses of the monarch, the cost of the court, payment of ambassadors, judges and other civil servants and payment of pensions. The remainder of about £ 500,000 derived from the customs were granted for four years only and were appropriated to public defence and the cost of government. Commissioners were appointed to audit accounts and to ensure the proper appropriation of grants. This revenue settlement strengthened very greatly the control of parliament over the crown in the work of the executive government.

At the same time the settlement of affairs in Scotland also took place. Charles II and James II had tried to suppress the Scottish religion

Settlement in Scot- but had failed. The Scottish Convention Parliament met in 1688
1689. Presbyterians were admitted to it. It asserted

that James had forfeited the crown by mis-government. It drew up a "Claim of Right" similar to the Bill of Rights and demanded the abolition of episcopacy. It offered the crown to William and Mary who accepted it. William was a calvinist. The Presbyterian religion was

Great Act.

established by the Great Act for the settlement of the church. It confirmed the Act of 1592 which had established the church government by Kirk sessions, presbyteries, provincial synods and general assemblies. Toleration was however given to episcopalians under the influence of William. Scotland was allowed to have her religious policy and since then her religious civil wars were over. The position of the Scottish church was strengthened as the asserter of national and religious freedom. The Scottish

parliament began to have its own policy in religious and other matters. The autocratic rule of the Privy Council ended after the revolution of 1689. The Scottish parliament was not a mere echo of the church assembly of 1639 or of the Privy Council of 1661, but it represented lay forces and was independent alike of the king and the kirk though friendly to both. The Jacobite party was stronger in Scotland. The majority of nobles and episcopalians and Highland tribes were Jacobites. But William's government survived in Scotland. The church assembly met freely and discussed its own concerns and did not interfere in the policies of government. The mass of the nation acquiesced in the new regime and was sick of persecution and bloodshed.

In Ireland the Roman Catholic Irish led by Tyrconnel supported James. Tyrconnel's object how-

Settlement in Ireland. ever was to make Ireland independent and not to restore James to the throne. The Protestant English and Scotch colonists supported William. Thus the Revolution in England led to a war of 'race and religion' in Ireland. James landed in Ireland in 1689, called an Irish parliament in Dublin which annulled all grants of land made by the Act of Settlement of 1661 to English settlers, established Roman Catholicism, proscribed the Protestant religion and condemned 25,000 Protestants for treason by an Act of Attainder and issued depreciated currency which injured the trade of the country. William however defeated James in 1690 at the battle of Boyne. Dublin submitted and James fled to France and thus ruined his cause. In 1691Ireland was finally subdued. By the treaty of Limerick (1691) the Roman Catholics were given the privileges which they had enjoyed under Charles II. But in 1695 the Irish parliament in which the Catholics were not represented annulled the treaty. It passed several penal laws against Roman Catholics which prevented them from entering legal professions, carrying arms, acting as guardians of minors, purchasing lands or marrying Protestants. Thus the Catholics were reduced in their own land to the status of 'hewers of wood and drawers of water to the conquerers' according to Dean Swift. Ireland was completely crushed.

The character of this Revolution of 1688-1689 was according to Macaulay political rather than religious. James was deposed for breaking "the fundamental laws

Character of the of the kingdom", not because he was a Roman Catholic. His attacks

however on the English church and his favours to the Roman Catholics contributed to the growth of discontent and opposition in the country. The revolution did not make any great changes. It preserved the constitution and asserted the ancient rights of the people against the crown. Very few changes were introduced into the laws of the country.

The revolution was bloodless because of the flight of James. It came as a piece of surprise and good luck to the opponents of James. Its results. The doctrines of the Whig landowning aristocracy which took the leading part in the Revolution were not accepted as yet by the nation as a whole. The Tories were in a large majority in the country even in the time of Anne. The constitutional results of the revolutionary settlement were beneficial to the nation. It substituted the Whig theory of government based on contract for the Tory theory of government based on divine right. It finally established a parliamentary or limited monarchy in England. The convention parliament had deposed and expelled James II. It had thus broken the law of succession. The tenure of the crown was made dependent upon the faithful observance of the law and the maintenance of the constitution. It restricted the direct powers of the king under the Bill of Rights. His authority was to be exercised indirectly through parliament and ministers. The doctrines of divine right and passive obedience were repudiated and the reign of law was established.

The First Mutiny Act, the Bill of Rights, the revenue settlement and the strict appropriation of

Its important statutes. Triennial Act which was passed in 1694 limited the duration of parliament to three years and ensured the meeting of parliament once in three years. The Act of Settlement (1701) made the judges' tenure of office depend on their good behaviour and not on the will of the king. It removed the judiciary from the control of the king who had made it a means of tyranny and an advocate of the royal prerogative.

The supremacy of parliament was assured by the Revolution Settlement and it became a permanent constitutional body. The legislature triumphed over the executive. The Commons soon became the most important element. This led later on to the development of the party system and the cabinet government which involved the tenure of office by the ministry dependent on the support of the House of Commons. The liberty of the subject was secured by the Bill of Rights, Toleration Act, Treasons Act (1696) which ensured fair trial to prisoners accused of treason and by the lapse of the Censorship of the Press after 1695.

Before the Reformation the church exercised a strict censorship over all publications. After the Reformation the Star Chamber History of the Press. began to control the press as a part of the ecclesiastical supremacy of the crown. In 1566 there was an ordinance of the Star Chamber for the censorship of the press. In 1585 printing was restricted to London, Oxford and Cambridge, and the Archbishop of Canterbury, the Bishop of London and the Stationer's Company exercised supervision over printers and publishers. Offenders were liable to death, mutilation, fine or imprisonment. Under the Stuarts the Star Chamber exercised strict censorship of the press and severely punished the authors of Puritan publications. The Star Chamber was abolished in 1641. Upwards of 30,000 newspapers and pamphlets were published

between 1640 and 1660. In 1544 Milton advocated the cause of the liberty of the press in his Areopagitica which was a speech for the liberty of unlicensed printing. "Let truth and falshood grapple. Whoever knew truth put to worse in a free and open counter," and "the liberty to know, to utter and to argue freely according to consciences was above all liberties". In 1662 a Licensing Act vested the control of printing in government, restricted printing to London, York, Oxford, Cambridge and limited the number of master printers. In 1679 the judges declared it a common law offence to publish criticisms of the government without license. All newspapers except the Official Gazette and Observator were stopped. This led to the development of coffee houses as a means of expressing public opinion. The Licensing Act was revived in 1685 but the Commons refused to renew it in 1695. Thus there are now no restrictions put on the liberty of the press by any positive enactment. It is restricted by the law of libel. The person libelled may sue for damages and the government persecute for improper publications. William III exercised great personal influence in

the government. He reigned as well as ruled. The revolution did not make the king William's rules. a mere figurehead but prevented him from acting in an unconstitutional manner. The development of the principle that the king should leave the administration in the hands of his ministers was due to a later accident, namely, the accession of Hanoverians who were ignorant of the German language, English constitution and English party system. They did not attend cabinet meetings and thus allowed the administration to fall into the hands of the ministers In the long line of English kings William, it is stated, had no superior in intellectual power, in industry, in width of outlook and in the choice of fitting means to gain his ends. But his reign was disturbed by Jacobite plots. Being a foreigner he was not much popular. He spoke English badly. His manners were cold. He

hated society. He caused great discontent by giving

promotion in the army, lands and titles to his Dutch followers. The death of Queen Mary in 1694 weakened his position greatly. Mary was popular because of her amiability and fine character. She was not a foreigner. The Tories were discontented and were in

favour of James. The plots of 1690 to restore James and of 1696 to assassinate William failed. Marlborough was discovered in his treachery and was imprisoned in the Tower in 1692. In 1696 owing to the Assassination plot the Habeas Corpus Act was suspended. A bill was passed to ensure the continuance of parliament on the death of William and an association was formed to protect him and if necessary to avenge his murder.

There was also strong opposition to his European wars and the heavy expenses and taxation involved in them. Consequently the finances had to be rearranged. The Land Tax was reassessed in 1692 from one shilling to four shillings in the pound according to necessities as the old assessment had become quite inadequate. Still this increased tax would not meet the expenses and therefore floan was raised on the security of the nation

Nation Debt and the Book of England. Its interest was secured to them on the taxes but the capital was not to be paid. The subscribers were incorporated by a royal charter as "the Governor and the Company of the Bank of England" in 1694. They were entrusted with the negotiation of public loans and the right to trade in bills of exchange, bullion and forfeited pledges. The Bank of England became a national bank. The coinage which had been clipped and depreciated was also reformed.

In 1696 the Treasons Act was passed. It provided that the accused should be furnished with a copy of the indictment five days and a list of the jury two days before the trial, that he should be represented by counsel and that he should be convicted on the evidence of not less than

two witnesses. Thus the act made conviction difficult and afforded protection to innocent persons unjustly

accused of treason and tried unfairly. Though the revolution was largely brought about by the Whigs and though the first parliament of 1689 was strongly Whig, William was anxious First Parliament, Whig. to secure the support of both the parties in his foreign policy and therefore chose his first ministers from both the Whigs and Coalition Ministry. the Tories. They were to act as his advisers. He retained in his own hands the direction of foreign policy but he had to rely on parliament for the necessary supplies. His coalition ministries however created friction and increased faction in parliament. In the second parliament of 1690. Second Parliament, 1695 the Tories were in the majority. Tory. Still he continued the policy of coalition ministries. He however realised the need of the steady support of parliament for Coalition Ministry. the success of his foreign policy. Sunderland advised him in 1693 to choose his ministers from the party of Whigs who were strong supporters of war. The Third Sunderland's advice. parliament of 1695-1698 gave a Whig majority. He formed a ministry from the Whig party. It was called the Whig Junto. Third Parliament, Whig. Russel, Somers, Montague and Wharton were its chief ministers. It was the first ministry composed of men of identical political views. This meant the recogni-Whig Ministry. tion of the principle of the dependence of the ministry upon the support of the majority of the House of Commons. Even then parliament reduced his army from 80,000 to 10,000 after the Treaty of Ryswick in 1:97. But the fourth parliament of 1698-1700 was hostile to William. Its Fourth Parliament majority consisted of the malcontent Tory. and nominal Whigs who formed the country party and the extreme Tories. It was a Tory parliament. It did not support the Tory Ministry.

Whig Junto. William was therefore forced to accept a Tory ministry. It reduced the king's army further to 7,020 and dismissed William's Dutch guards. William threatened to return to Holland but was dissuaded from doing so by the earnest entreaties of Somers. This Tory parliament attempted to impeach Montague, Somers and Russel in 1699 but did not succeed. The fifth parliament of 1701 also had Fifth Parliament, Tory majority. A coalition ministry Tory. was formed. It passed the Act of Settlement or Succession Act (1701) after the death of Gloucester Anne's sole surving child. Contition Ministry. Its principal provisions were (1) the settlement of the throne after the death of Anne on Sophia, Electress of Hanover, who Act of Settlemen was the daughter of James I's daughter Elizabeth, and her heirs, being Protestants (2) the sovereign must be a member of the church of England, (3) the sovereign is not to leave England without the consent of parliament (repealed in 1714), (4) no war shall be undertaken in defence of the continental possession of the sovereign without the consent of parliament, (5) judges are to hold office during good behaviour and can only be removed on an address from both houses of parliament, (6) pardon under the great seal is not pleadable in bar of impeachment, (7) no alien can sit in parliament nor in the Privy Council nor hold lands from the crown, (8) all matters cognisable in the Privy Council are to be transacted there and its decisions should be signed by all its members (repealed in 1705), and (9) no place-holder or pensioner is to sit in parliament (repealed in 1705). This Act was passed by a Tory parliament. The Tories were opposed to William because he favoured the Whigs and dissenters. They thus repudiated the idea of divine right of king and recognised the national right of parliament to regulate the succession, and thus the whole nation was committed to support the Protestant succession. The Tories went beyond the Whigs in their desire to restrict the power of the crown. The exclusion of crown officials and

pensioners from parliament was intended to prevent bribery. It was intended to exclude from the House of Commons placemen whose votes were under the crown's control and thus to prevent him from exercising undue influence in the Commons. This clause would have destroyed all the hold which legislature had over the executive. It would have made them quite distinct from each other as it is in America. Its repeal in 1705 kept the contact and control of the legislature over the executive. The exclusion was made only to apply to office that would be created after 1705. Any member of parliament who was appointed to an office already existing was to seek re-election. This still holds good. In case of new offices created after 1705 special exceptions are made in their favour to enable the holder to sit in parliament.

The Tory party again proposed to impeach the Whig ministers for their action in supporting the Partition treaties. This impeachment failed because the Commons refused to appear to prosecute before the House of Lords. They were afraid of its Whig majority

which would be sure to acquit the accused.

In 1701 James II died and Louis acknowledged James Edward (the old pretender) as the king of England. Consequently there came a reaction in William's favour because of the danger arising from Louis' designs on Spain and the violence of the Tories. The popular opinion sided with him and agitated for helping his foreign policy.

The sixth parliament of 1702 had a small Whig majority. It consisted of Whigs and moderate Tories who were for war against Louis.

Whig. There was a coalition ministry.

It passed an act ordering all place-holders to renounce the pretender. William died on March 8 1702

William's importance. March 8, 1702.

William's importance. March 8, 1702.

William's importance. March 8, 1702.

English throne was based on the fear of Stuarts being restored, on his successful struggle for the national and religious liberty of Europe against Louis'

political and religious ambitions and on his character as a great statesman, as an able organiser and as a skilful general. His main interest lay in foreign politics. Though he was very unpopular amongst the Tories because he was a foreigner who loved his own people and because he admitted the control of parliamentary government in church and gave up the theories of divine right and passive obedience, yet England could not do without him. He made England great and saved her from danger from France. He strengthened the cause of Protestantism and strongly supported religious toleration in England and Scotland. During his reign the liberty of press was secured, the finances of the country were organised and ministerial responsibility was begun.

His reign completed the Revolution Settlement and gave to England a constitutional monarchy instead of an absolute monarchy. The new constitutional problem which arose in his reign was that of harmonising the king's policy and the parliamentary policy on a common line of action. Unless the parliamentary majority supported the king's ministry the government policy could not be carried out successfully. The need of a mediating and harmonising body was becoming very important.

The reign of Anne (1702-1714) was a continuation of the period of Revolution Settlement. In foreign politics the same struggle against Anne. France continued and in home politics the constitutional problem was being settled. Anne was a good woman but had no ability. She was always under the guidance of others. During the early part of her reign she was under the influence of the Duchess of Marlborough who was a strong Whig. But later on she gradually fell under the influence of Mrs. Masham, a Tory lady. Anne chose her ministers and presided over their meetings. She was however the last sovereign to do so. She exercised her power over the conduct of government affairs. She was very popular on account of her English birth, her attachment to the English

church and her goodness of disposition. Therefore her tenure of royal office was favourable to the working of the revolution settlement. Her husband Prince George of Denmark was a practical nonentity.

The Whigs held the view that the sovereign was the servant of the state and wished to curtail the royal power in favour of parliament. They supported the war against France and fought in defence of religious, civil and commercial rights. They advocated toleration to be adopted towards all Protestant churches. Their ranks were mainly composed of non-conformists, traders and moneyed classes. The Tories favoured the extension of royal prerogative. They did not believe in toleration and were

Tory Policy. against the war because it was a Whig war. They believed in the divine right of kings and were therefore accused of being Jacobites, that is, the supporter of James and his successors. They were however loyal supporters of the English church and therefore did not play any active part in endangering the Protestant succession. The Tories were mainly composed of the landed gentry and the clergy.

Anne's first parliament of 1702-1705 was Tory. Still it was for war. The ministry was a coalition of Whigs and Tories. It consisted of First Parliament, Tory. Marlborough, Godolphin, Duke of Devonshire and Nottingham. The Duke of Marlborough who was the commander-in-chief Coalition Ministry. was a great soldier. He was a lover of Protestantism and therefore strongly opposed Louis' policy and ambitions. He was a moderate Tory but wished to unite Whigs and moderate Tories in following the policy of William. His home politics were decided by war. The moderate Tories with whom the queen agreed were like the Whigs for war. They also wanted to check the power of France and to maintain the Protestant succession. They strongly

supported the Anglican church. The extreme Tories were high churchmen. They were opposed to war and regarded the old pretender as the rightful king.

In 1702 the Commons which had a Tory majority passed the occasional Non-conformity Bill, which was

occasional Non-confirmity Bill.

intended to exclude from office non-conformists who "occasionally conformed" to the rites of the Anglican offices. The Bill was rejected by the House of Lords which had a Whig majority. In 1704 the Queen Anne's Bounty.

Anne's Bounty.

Anne's Bounty.

Anne's Bounty.

Anne's Bounty.

intended to exclude from office non-conformists who "occasionally conformed" to the rites of the Anglican of the Power of Lords which had a Whig majority. In 1704 the Queen Anne's Bounty was instituted. It set aside the first fruits of benefices for the benefit of the poorer clergy instead of giving it to the crown.

The advanced Tories in the ministry were now being gradually replaced by moderate Tories because of their growing opposition to the Harley and St. John war owing to its great cost. They enter ministry. did not like Marlborough's closer connection with the Whigs. In 1704 Harley and St. John leaders of moderate Tories came into the ministry. Robert Harley, Earl of Oxford, was a man of ordinary ability. He was opposed to party government but he was a great parliamentary tactician. Henry St. John, Viscount Bolingbroke, was a very able man. He wanted to establish and justify Toryism. At this time new ministries were not necessarily modelled according to the strength of the party in the House of Commons, nor were the old ministries dismissed when the new parliament met. Ministers were chosen by the sovereign when and as it liked.

In 1704 occurred the case of Ashby v. White and others in which the question of the jurisdiction of the Commons in matters of election was white and others. Involved. The House of Commons possessed the right of determining all questions arising out of the returns to writs of election and in consequence claimed the right of judging upon the right of every vote. The right of a vote

however being vested in the possessor by a legal title could also come before a court of law. Ashby, a burgess of Aylesbury, sued the returning officer called White for refusing him his vote. The judgment of the court was in White's favour. Ashby took the case to the House of Lords which reversed the previous decision. The Commons in the meanwhile passed a resolution that they alone had an exclusive right to take cognisance of all matters relating to the election of their members. Ashby however in defiance of their resolution proceeded to execution on his judgment. The Commons therefore committed Ashby to prison as being guilty of a breach of their privileges. The judges refused to set Ashby free upon a writ of Habeas Corpus because the House of Commons had committed him. The Lords in consequence passed a resolution that the Commons by imprisoning Ashby for prosecuting an action at law on the ground that his action was contrary to the Common's resolution have assumed for themselves a legislative power and that all persons have an undoubted right to the Habeas Corpus. The prorogation of parliament left this question unsettled.

In the second parliament of 1705-1708 there was a Whig majority. It was strongly for war. Sunderland

Second Parliament, who was a Whig was chosen Secretary of State. In 1707 it passed tary of State. In 1707 it passed

Scotland was passed. From the time of Edward I (1295) to that of Elizabeth (1559)

Caolition Ministry.

had been alliance

Act of Union with Scotland.

(1295) to that of Elizabeth (1559) the traditional policy of Scotland with France against England, and for England war with France involved war with Scotland. From 1560 to 1603 the Scotlish Reformation of England influence in

tion destroyed the pro-French party and influence in Scotland. In 1603 the union of the crowns of England and Scotland under James I stopped the border warfare between the two countries but it did not involve the union of these countries. Attempts made to bring about such union failed. The Commons refused to

accept the doctrine of naturalisation and common citizenship propounded by the judges in the Post-nati case (1607). James I on his side refused to accept naturalisation by parliamentary statute. The English merchants were opposed to free trade between England and Scotland. During the civil war there was some common ground for fighting together between the English parliamentary party and the Scottish Presbyterian party against Charles' interference in matters of civil and political liberty and religion. Under the Commonwealth a parliamentary union of England and Scotland was compulsorily brought about but the old opposition continued, and this parliamentary union was abolished when restoration took place.

There were a number of religious, commercial and political difficulties in the union of two countries. The majority of the Scotch were strongly Causes of the Union. Presbyterians. The attempt of early Stuart kings to force episcopacy on Scotland and the persecution of covenanters under later Stuarts had roused opposition amongst the Scots. In 1689 the Scotch parliament had asserted that episcopacy was 'a great and intolerable grievance.' Some of the covenanters were in favour of republican government. The Scotch episcopalians were however inclined towards Jacobitism. English merchants had continously refused to give commercial equality to Scotland for fear of competition. Scotland suffered greatly from the Navigation Acts of 1651 and 1660 which excluded them the colonial markets. The failure of the Scotch East India Company owing to the English opposition and of the Darien Scheme (1699), which was a Scotch enterprise for the colonisation of the Isthmus of Panama, owing to bad climate and opposition of Spaniards caused great indignation against England. It was attributed to English jealousy and to William's wish to protect England's trade from possible competitors. Scotch goods were excluded from English markets by the imposition of heavy custom duties. Scotland's poverty made her feel England's increasing wealth.

This religious and economic estrangement in feeling was increased by political events and inclinations. The massacre of Glencoe (1692) increased the hatred of England. Scotland therefore felt its dynastic connection with England injurious. In 1703 the Scotch parliament passed an Act of Security.

rity which refused to recognise Anne's successor as king of England, unless the trade restrictions were removed and the Presbyterian religion was secured, and it authorised the formation of a national militia. In 1704 the English parliament, fearing that if Marlborough were defeated the French might invade Scotland, accepted reluctantly the Act of Security. But the Victory of Blenhim in 1704 removed the danger of a French invasion of Scotland. The English parliament therefore declared the Scotch to be aliens, prohibited trade with Scotland and ordered the fortification of border towns.

This continued feeling of distrust, rivalry, estrangement and indignation was a great danger to the peace and security of both the kingdoms. Provision of the Act The existence of two separate parliaof Union. ments was a cause of disunion. It would have any day led to wars owing to a strong Jacobite party in Scotland. Therefore to avoid this thirty-one commissioners were appointed on each side to consider the question of union. Their separate deliberations resulted in the Act of Union of 1707. Its provisions were (1) that England and Scotland were to form the United Kingdom of Great Britain and the succession to the throne was to follow the Act of Settlement of 1701, (2) that the Scotch church and law were to remain unaltered (3) that Scotland and England to have the same rights of trade and to be liable to the same taxes, (4) that England was to pay Scotland £ 3,98,000 partly as a compensation to the shareholders in the Darien Company, partly as a contribution towards the Scotch National Debt, (5) Scotland to be represented by fortyfive members in the House of Commons and by sixteen

elected peers in the House of Lords, and (9) that the

national flag was to be the Union Jack.

There was hardly any opposition to the Union in England but it aroused fierce opposition in Scotland. The Presbyterians got afraid of the position which the Episcopalian church may acquire in Scotland. The Highland chiefs feared the loss of their feudal rights. The Jacobites were opposed to the exclusion of the Stuarts. The national sentiment was disturbed by the transference of the Scotch parliament from Edinburgh to London. The results of the Union were on the whole

beneficial. In Scotland it increased trade and material prosperity. Her towns grew rapidly. Roads were made. Agriculture was improved and manufactures increased. The guarantee of Scotch laws and religion helped the preservation and satisfaction of her national sentiment. The hereditary feudal jurisdiction of the Highland chief was however slowly abolished. In England the political danger of foreign invasions and alliances passed away. She felt politically more secure. In 1707 the first session of the parliament of the United kingdom of Great Britain took place.

In 1708 was passed the Place Act which restricted the number of pension-holders having a seat in parlia-

Place Act. ment, but maintained the connection between the ministry and parliament which the Act of Settle-ment had destroyed. In this year Harley and St. John resigned because of their differences with the Whig ministers, who had appointed several Latitudinarian bishops. Harley tried to rouse the

Harley and St. John resign from ministry.

Opposition of the queen who now favoured the high church party and to weaken the influence of the Duches of Marlborough by introducing his cousin Mrs. Masham into the queen's confidence. Harley and St. John supported an attack on the ministry for failing to maintain an efficient army in Spain. Partly owing to these reasons and partly because one of Harley's clerks had divulged some state secrets, Marlborough and

Godolphin dismissed Harley, St. John and other moderate Tories from the ministry which now in 1708 consisted solely of Whigs. Robert Walpole became a Secretary of War. The war was now a Whig war.

The third parliament of 1708-1710 was largely Whig. The ministry was also entirely Whig. During this period however Marlborough's Third Parliament, position became weakened because Whig. of his refusal of the terms offered by Louis in 1709, of the great loss of the English at Malplaquet and of his request for Whig Ministry. the post of captain-general for life which aroused a fear that he was aiming at military dictatorship. This request was refused by Anne. The position of the Whigs was also weakened by the strong discontent caused by the cost of the war, by their refusal to conclude peace and by the ambition of Marlborough. The trial of Dr. Sacheverell in 1709 further increased the feeling against the Trial of Dr. Whigs. He had denounced the Sacheverell. Revolution of 1689, the Toleration Act, and the Whig ministry in a sermon in 1709 on "the Perils of False Brethren both in church and state" before the Lord Mayor in St. Paul's Cathedral. It was printed and widely distributed. This set the popular current against the Whigs. The ministry proceeded against him not by a process under common law but by impeachment before the Lords for "high crimes and misdemeanours". He was tried and suspended from preaching for three years.

Largely owing to these causes the fourth parliament of 1710-1714 had a Tory majority. Sunderland and Godolphin who were Whigs were dismissed from ministry and a wholly Tory ministry was formed in 1710 with Harley as the Chancellor of the Exchequer.

Tory Ministry. Thus the Whigs fell from power.
Thus the Whigs fell from power.
The Duchess of Marlborough was also dismissed from court.

Marlborough and his Whig associates had controlled the first three parliaments, irrespective of their composition, when the nation was strongly for war. But when Anne became hostile to them on account of her high church and Tory inclinations and of her suspicion of Marlborough, they lost their support and were dismissed along with the third Whig parliament. Thus the com-

and Tory inclinations and of her suspicion of Marlborough, they lost their support and were dismissed along with the third Whig parliament. Thus the composition of the ministry and the dismissal of parliament depended on the sovereign. The Whigs had flouted the queen's wishes, irritated the Anglican church, prolonged the war, rejected Louis' peace terms, piled up taxation, perpetuated tenure of jobs and impeached

Dr. Sacheverell for preaching a Tory sermon.

In spite of his great qualities of a general and foreign statesman Marlborough was utterly selfish and cared

only for his own advantage. He betrayed his own friends to serve his own ends. He was avaricious of money and was accused of taking £63,000 as commissions from the army bread contractors and of receiving  $2\frac{1}{2}$  per cent. on all subsidies paid to the allies. He defended himself on the ground that it was the usual practice and that there was a royal warrant allowing him to accept these payments. He was also greedy of power and in order not to decrease his importance he opposed the proposals of peace in 1706 and 1709.

In 1711 parliament passed the Act against Occasional Conformity and thus strengthened the Anglican church.

Act against occasional confirmity.

It secured the dismissal of Marlborough for peculation and committed him to the Tower. It endeavoured to come to terms with France and concluded the peace of Utrecht in 1713. In 1711 it passed an act requiring property qualification of members of the House of Commons to be £ 600 a year derived from land for county representatives and £ 300 a year from land for borough members. In that year Anne created by her prerogative twelve Tory peers to sit in parliament in

order to secure a Tory majority in the House of Lords. In 1712 the Stamp Act was passed to check the number of political writings.

In 1714 the fifth parliament of the reign met. It was a Tory parliament. The ministry was also Tory.

Harley who was created Earl of Oxford and Henry St. John, Viscount Bolingbroke were in it. The Tories introduced the

Tory Ministry. question of succession in favour of the old pretender after the death of

Anne against the provisions of the Act of Settlement. They had begun to negotiate with the old pretender who at the elections of 1714 had advised his friends to

Tampering with the Succession.

Succession.

Support the Tory ministry. But Oxford who was a strong Protestant refused to support the cause of

James Edward who would not renounce his Catholicism. Bolingbroke who was an atheist cared nothing for the pretender's religion. He had however incurred the enmity of the Elector of Hanover and did all he could to ensure the return of the Stuarts from whom he looked for important preferment. Measures were taken to secure the pretender's accession by appointing certain officers and by reorganising the army. To secure the support of the high church party the Schism Act was passed in

Schism Act. 1714. It provided that no person who was not a member of the Anglican church should keep a school or act as a tutor without a licence from the bishop. Oxford who was a non-conformist strongly opposed the bill and was therefore dismissed from office.

They strongly opposed Boling broke. A resolution in favour of the Protestant succession was passed by the Commons, but it had a small majority. Jacobites were in a strong minority. Marlborough returned from Flanders to command the Whig troops if necessary. The Whigs demanded that the Elector Prince of Hanover should be summoned

to the House of Lords by his English title of the Duke of Cambridge. At this time Electress Sophia died. There seemed to be a civil war imminent but Anne's sudden illness ruined the Jacobite plans. The two Whig Dukes of Argyle and Somerset, acting as Privy Councillors, attended the Cabinet Council and induced the dying Queen to appoint Shrewsbury as Lord Treasurer. These three Whigs took measures to ensure the recognition of the Elector as George I. This action of the Whigs gained for them a steady support of George I and George II. Anne died in 1714.

From the third parliament of Anne's reign (1708), the ministries had stopped to be coalitionist. They were homogeneous and consisted of ministers of one party. From 1708 to 1710 there was a Whig majority in the Commons and a Whig ministry. From 1710 to 1714 after the fall of Whigs the fourth parliament had a Tory majority and there was a Tory ministry. In the last year of her reign the fifth parliament of 1714 was also Tory and the ministers were Tories. In all these parliaments the changes in ministers used to

and the ministers were Tories. In all these parliaments the changes in ministers used to take place before and not after the election. Parliament reflected as it were the changes in the ministry. Really speaking the influence of the sovereign over the choice and dismissal of ministers was very great. They did not look to parliament for their appointment and support. The theory of a ministry chosen from and dependent on the majority in the House of Commons had not as yet developed or realised.

In the middle ages there were parties in ecclesiastical matters such as papal, and imperial or monarchical, in political matters, such as monarchical and economic matters, such as seignorial and in social and economic matters, such as seignorial and communal. These were then three points of conflict and struggle in England as in other countries of Europe. The quarrels between Henry II and Thomas Becket in 1170, between John and the Barons in 1215 and between the

landlords and serfs in the revolts of 1348 and 1381 illustrate the existence of the three opposing view points and interests in the country. These quarrels involved on one side the maintenance of absolute prerogatives and privileges and on the other that of customs and

Ecclesiastical questions.

liberties. In ecclesiastical matters the questions involved were the claims of papacy as to infallibility

and supremacy and its interference in the internal monarchical jurisdiction and administration of Christian

of monarchy as to its absolute prerogative and sovereignty and its encroachments on feudal customs and liberties of lords and vassals in their manors and franchises. In social and economic matters the questions involved were the claims of feudality as to its tenurial

Social and economic questions.

or manorial rights, its position and privileges and its opposition to the emancipation and freedom of the property and movement. These questions led to the

property and movement. These questions led to the rise of different parties, namely, the court party of favourites and loyalists, the church party of church privileges and independence, the baronial party of feudal liberties and the commons' party of social and economic emancipation.

The court or monarchical party advocated the divine right of kings to rule, his possession of power by hereditary succession, his supremacy above law and above all persons, classes and interest in the country and its theory of prerogative and passive obedience. This party developed after the Reformation into the Royalist party of Cavaliers, Episcopalians and Tories in the seventeenth century who believed in hereditary monarchy and its legimacy, supported the Anglican church settlement, and advocated the divine right theory. The baronial party advocated the supremacy of custom and law

and believed in the maintenance of the liberties and privileges of classes and assemblies Baronial party. against the king. It developed after the wars of the Roses into the parliamentary party under the Stuarts of Roundheads, Puritans and Whigs who asserted the theory of parliamentary privileges and sovereignty, limited monarchy and fundamental laws or constitution of the realm. The old church party which had advocated the theory of church independence and clerical privileges decayed after the Reformation when breach with Church party. Rome and decline of Roman Catholicism took place, and there arose the new parties of Episcopalians advocating the doctrines of divine right of kings, and non-resistance and the ecclesiastical supremacy of kings and Presbyterians asserting the independence of church government from state control and the doctrines of resistance in case of state interference and denial of the ecclesiastical supremacy of kings. The Episcopalians joined the royal or court party and became Tories and the Presbyterians joined the constitutional or country party and became Whigs. The seignorial party of social and economic privileges gradually decayed after the social Seignorial party. and economic revolts of the common man in the fourteenth and later centuries. Later on it developed into the middle class party of knights joined by burgerses and it became important in the House of Commons. The economic changes due to the enclosure movement freed the serf class from social and economic bondage. His economic and social grievances were not redressed early but the The rise of the com-Tudors began to look after the quesmon man. tion of pauperism, vagabondage and labour and passed some social and economic legislation. It was only in the nineteenth century after the effects of the Industrial Revolution were seen and the humanitarian awakening caused by the French Revolution took place that under the influence of democracy and liberalism, the trade union movement, the chartist Labour party. Principles of social equality, economic security, political freedom and civic welfare were applied to promote the welfare of the common man, and that his wages, his hours of work, his conditions of labour, his educational interests, his social insurance, his standard of living, his unemployment and social happiness were looked after and settled under the influence of great social reformers and political statesmen.

Thus before the Reformation parties arose to protect hereditary rights (royal) class rights and vested interests (baronial) and religious beliefs (ecclesiastical) and to demand emancipation. After the Reformation they became regrouped for the sake of different religious opinions under the names of Papalists or Roman Catholics, Protestant or Episcopalians, Puritans, Presbyterians or Independents, and for the sake of political principles under the name of Cavaliers or Royalists and Roundheads or Parliamentarians or Republicans at first and then that of the court party or Tories, and the country party or Whigs.

The Whigs were the opponents of Roman Catholicism and of the exclusive and oppressive pretensions of the Anglican church and its Whigs. theory of persecution in religious matters. They were at first for comprehension but later for toleration of non-conformists and for freedom of worship. In political matters they wanted a limited or constitutional monarchy and believed in parliamentary sovereignty and the supremacy and rule of law and were against the theory absolute prerogative. Shaftesbury was their leader. Locke was the exponent of their political philosophy. Their strengthelay in the mercantile and industrial middle classes and in the unprivileged protestant dissenters who were led by a section of higher aristocracy. They were protectionist in economic matters and wanted a vigorous foreign and colonial policy in order to increase their political power

## THE STUART PERIOD (1689-1714)

and economic wealth. As yet they had no party organisation and therefore there was no united party in parliament with a definite policy and programme.

The Tories were the adherents of the established Anglican church, the champions of the landed gentry and squirearchy and the opponents Tories. of a standing army and continental wars. Danby was their leader. Their tradition was all in favour of an alliance with the monarchy but they found it difficult to give the same loyalty to a nonhereditary monarchy. Their extreme wing were the non-jurors who refused to take the Extremists or non oath of allegiance and avowed their jurors. desire to see James and his male line restored. They consequently became Jacobites more or less infected by conspiracies and rebellions and by an atmosphere of intrigue and violence. Others accepted the new government from a love of order and quiet. They could give no service and co-operation but would not overthrow it. The extreme Tories were opposed to the theory that the church was a department of the civil service of the state. They were High church. men and believed in the inherent right of the church to govern itself and considered it contrary to the law of God for the civil magistrate to make or ordain bishops. They were opposed to toleration. As opposed to them were Low churchmen or Latitudinarians who believed in toleration and were appointed by William as bishops in their places.

The Tories were essentially the Anglican Church party. They were allied with the legitimate monarchy. When James II tried to bring in Papacy they went against him. They however vacillated between a de facto Calvinist king and a de jure Popish king, between William who used the legal powers of the crown to make the church Latitudinarian and James who wanted to use much more than the legal powers of the crown to make the church Popish.

Hence they ultimately split into two sections—Jurors and non-Jurors. Jurors deserted the old principle of legitimacy and divine right and took the oath of allegiance to William.

The party system dates its origin from the reign of Charles I when religious and political causes divided

Origin of the party opposing camps, namely, Royalists or Episcopalians and Parliamen-

tarians or Presbyterians. Under Charles II parliamentary parties were divided on a political principle

Charles II's period. Of non-resistance into Petitioners or Whigs and Abhorrers or Tories. It is in the reign of William and Anne that we get the final development of the two party system and of the idea that the political character of the government should be determind by the character of the party which has a majority in the House of Commons. William III had disregarded party distinctions and ruled with

coalition ministries. Sunderland William's period. suggested him one party ministry in 1695 in order to strengthen the government because in that case they would work together better if they had the similar political views, and if they held the same views as the majority in the Commons. In that case there would be no conflict between ministers and the House of Commons. William agreed because the Whigs were in majority in the House of Commons and were also for war against France. This ministry of Whigs was called Junto. William however was not conscious of introducing any kind of ministerial government based on the two party system. It was a matter of mere convenience for him. The ministers were still his ministers and were not primarily the organ of any party. This however became a precedent and was thus a great step in advance of the party system of government. It was a recognition of the fact that the House of Commons had grown powerful and that the king could not govern satisfactorily unless the views of his ministers were those of a majority in the House of

Commons. In 1698 William was however forced to accept a Tory ministry and the new parliament of 1698 was largely Tory which was opposed to his policy.

Under Queen Anne the first ministry of Marl-

homogenecus ministry was not as yet recognised. But by 1708 the Tories were dismissed from the ministry in spite of Anne's favour because of their lukewarmness towards war, of their desire to

persecute dissenters, and of their opposition and intrigue against Marlborough who was the leader of the ministry. From 1708 there were homogeneous ministries. The Whig ministry of 1708 was formed in

Homogeneous ministry.

defiance of the sovereign's inclinations as Anne was not opposed to the Tories. Thus the idea of a

the Tories. Thus the idea of a government by a ministry resting on party majority in parliament and forcing its will on the sovereign originated with the Tory ministers who forced themselves on William in 1698 but it took a definite shape in the reign of Anne in 1708. The Whig ministry collapsed in 1710. The new parliament was strongly Tory and the new ministry had to be Tery though Oxford wanted to have a mixed ministry of moderate Tories and moderate Whigs. Divergences however arose between Oxford, a moderate Tory and Bolingbroke, an extreme one. Bolingbroke seeing that Anne was failing in health strived feverishly for power, hoping either to force on the Stuart restoration or to dictate terms to the Hanoverians. He wanted a thorough policy of tightening the party strings and to give all places of power to the Tories and to strike down the Dissenters so as to weaken them. Accordingly he got passed the Schism Act of 1714. Oxford who always favoured a moderate course disliked the violent measures of Bolingbroke against the Dissenters. He was therefore dismissed.

Under the Hanoverians the system of party government was firmly and finally established. The principle

of a homogeneous ministry was adopted on account of George I's refusal to have anything Hanoverian period. to do with the Tories who were Jacobites. No further attempts were made at coalition ministries until the reign of George III. Owing to the importance and permanence of parliament it became necessary to have ministers who could command the support of the House of Commons. During the Hanoverian period the old principles dividing the Tories and the Whigs disappeared. Under Bolingbroke and Swift the Tories ceased to speak of the divine right. The Whigs also ceased to distrust the king's power. The Whigs cooperated harmoniously with the first two Georges. The new constitutional order, that is, the existence of monarchy based not on theories of divine right but upon parliamentary title was accepted by both the parties and the struggle between the two parties during the eighteenth century was not for principle but for political power. They organised the country into two groups, each of them holding certain common fundamental principles of government and uniting upon a particular programme or policy of work and whenever they got a majority in the House of Commons they became the holders of the executive power as the representatives of the nation. Thus a necessary connection arose between an organised political party and the executive power on one side and the sovereign parliament on the other.

### CHAPTER VIII.

### HANOVERIAN PERIOD (1714-1760).

# 1. Cabinet System and Party Government.

Hanoverian succession was based on the Whig theory of the constitution contained in the Bill of Rights, the Act of Settlement and Character of George I. other measures of the Revolution settlement. It was the theory of the sovereignty of the King-in-Parliament. George I was fifty-four years old when he became the king of England. He had been the Elector of Hanover for the last sixteen years. He was a brave soldier. He did not know the English ways and methods as William III did. He did not learn to talk English. His interests were centred in Hanover. England was too big for him. He was not interested in defending the royal prerogative or initiative in the government of England. He merely cared for his increased prestige and military strength and money which it brought him.

The accession of George I is important for the triumph of the Whigs and the beginning of their long rule of forty-six years and for the growth of the cabinet government and the rise of the premiership. The crown was the creation of law and national will. There was now no conflict between church and state, and between crown and parliament. The constitutional monarchy was supreme over all causes and persons, civil and ecclesiastical. The Commons were supreme in taxation. The judiciary became independent in the matter of interpreting law. The executive became responsible to the legislature.

As George I did not understand English he did not attend the cabinet councils. His place was taken by the

The first ministry
Its work.

chief minister. The result was that instead of the soverign ruling by his advisers as he had done since the

restoration, the ministers began to rule by means of the king. The first parliament of the reign was a Whig parliament. The ministry of Townshend consisted of Stanhope, Halifax, Walpole and others. It lasted from 1714 to 1717. Bolingbroke, the Tory leader, fled and joined the Pretender. This ministry impeached Oxford, Bolingbroke and Ormond. It passed the Riot Act to put down riots which followed these impeachments. In 1715 the Fifteen or the rebellion of James Edward, the old Pretender, for securing the throne, took place. Though the Tories were in his favour because of the vindictive policy of the Whigs it was suppressed. It failed for want of leadership and discipline. The result of the rebellion was the passing of the Septennial Act in 1716 which lengthened the duration of parliament to seven years and repealed the Triennial Act of 1694

Septennial Act. Its constitutional importance.

because constant elections always led to disorder and riots. It also confirmed the Hanoverian and Protestant succession. In passing this

act parliament asserted its sovereignty. It showed that it was not the agent or trustee of the electors but that it had a right to pass or repeal any laws it chose. The act strengthened the position of the House of Hanover by ensuring the continuance of a Whig House of Commons at a time of national danger. Owing to its longer duration the House of Commons became more independent of the crown, the House of Lords and the electors. The ministers had to make a greater use of bribery in manipulating it. This increased parliamentary curruption. The good results of the act were that it gave greater stability to national policy, ensured a fair trial for a new ministry and saved the country much expense by diminishing the number of general elections.

In 1717 there was schism amongst the Whigs over foreign policy. Townshend was dismissed and Walpole resigned. The new ministry of Stanhope consisting of Sunderland and Addison lasted from 1717 to

1721. The Whigs who were generally Latitudinarians in ecclesiastical matters strongly resented the Jacobite sympathies of many of the clergy and in 1717 suppressed the convocation owing to its opposition to the doctrines of religious liberty advocated by Hoadly, the Whig bishop of Bangor The convocation was not revived till 1850 In 1719 the Whigs repealed the Occasional Conformity Act (1711) and the Schism Act (1714) and thus gave relief to non-conformists who supported them. The Whigs who were supreme in the House of Lords wished to maintain their position by limiting the extension of peerage and thus preventing the crown from making sudden creations of peers for a definite purpose, as in 1712 when twelve Tory peers were created, and from giving peerages to foreigners. The bill provided (1) that with the exception of the royal family not more than six peers should be added to the existing number and (2) that the Scotch peers sitting in the Lords should be increased from sixteen elective to twenty-five hereditary peers. The bill passed the Lords but was thrown out by the Commons owing to Walpole's strong opposition as the bill would have made the peerage an oligarchy independent of the Crown and the Commons, would have weakened the connection between the House of Commons, the leading members of which hoped for peerage as a reward for political services, and the House of Lords, and would have restricted unduly the prerogative of the crown. In 1719 parliament passed a Declaratory Act which asserted the right of the English parliament to make laws for Ireland. It was however repealed in 1782. The bursting of the South Sea Bubble in 1790 led to the resignation of the Stanhope ministry. The Bubble reduced numbers of people to bankruptcy and caused great distress. Great indignation was felt against the king's ministers who had encouraged belief in boundless wealth of the South Sea trade with Spanish America carried on by the South Sea Company which was formed in 1711. Some of them had profited by speculation and swindling. Walpole had opposed the South Sea Act of 1720 which enabled those who had lent their money to government to exchange their claims for shares in the South Sea Company which had offered in 1719 to take over the national debt accepting five per cent interest from the government and which gave prospects of high dividends but they were not realised.

In 1721 Walpole's ministry was formed. It lasted till 1742. Walpole became the chief minister, the First Lord of the Treasury, and Third Ministry. the chancellor of the Exchequer. His colleagues were Townshend, Carteret, Byng, Pulteney, Newcastle and others. He restored public Walpole's character. confidence. He was a great financier. He had been a member in the ministry of Townshend but had resigned in 1717. He did not join the ministry of Stanhope. His private character and ideals of conduct were not above reproach. He was however a good business man of strong common sense. He was methodical and hardworking. He possessed a profound knowledge of men, of the House of Commons and of the needs of the country. The king left the control of affairs in his hands. He however exercised his power with moderation.

In 1721 he restored the public credit which was lost by the South Sea Bubble. The principle of his home policy was to "let sleeping dogs lie". He did not introduce any important changes in the existing laws or institutions. He withdrew good measures when they were strongly opposed, for example, the Wood's patent for coinage in Ireland in 1724, and later in 1733 the Excise Bill which in order to check smuggling proposed to levy excise from retail dealers and not customs duties at the

ports on wine and tobacco, and to allow them to be put in bond and reexported free of duty. In foreign policy his aim was to keep England out of war without damaging her prestige and he made alliances and treaties to that effect. But 1739 he yielded to the popular demand for war with Spain after the Jenkin's ear incident against his better judgment. His colonial policy was that of a wise laissez faire.

His ministry however is very important from the point of view of the lines of development of cabinet

His ministry and cabinet development.

government. He as the chief minister demanded loyalty from his colleagues and insisted on his cabi-

net presenting a united front to parliament. For the carrying out of his policy he relied on the support of majorities in the House of Commons. It was he who laid down the general policy of the cabinet. In order to get the support of parliament he bought the votes of the members of parliament and rewarded his supporters by government posts. He was obliged to do this because government was impossible without it and the House of Commons which was independent of the crown and the electors could be managed by no other means. He made a great use of bribery and practised parliamentary corruption on a large scale and reduced political morality to a low level. He however was not himself corrupt.

In the reign of George I the Whigs were splitting into two divisions., namely, the Walpolean Whigs who favoured the extension of the power of England by peaceful means, the avoidance of war and the improvement in commerce; and the Sunderland and Stanhope Whigs who were anxious to do these things even by entering

into war.

George I died in 1727. George II was a courageous and just king. He was strongly interested in Hanover but he had a better knowledge of English affairs and was also interested in England. He was a man of moderate abilities

and allowed himself to be guided by the superior intelligence of his wife, Caroline of Anspach, for whom he had great esteem. Owing to her influence and his mediocrity Walpole kept his place in the ministry. George II respected the constitution. He followed in his father's footsteps and did not interfere in matters of government.

Walpole kept the initiative in his hands, managed the House of Commons, directed the policy of admi-

nistration, ensured unity of action Walpole's work. and enforced common responsibility. He was ambitious of power but yielded when he found he had no support from the House of Commons. Force of circumstances made him the head or prime minister. He did not create any such office. In 1727 the Act of Indemnity was passed for one year to relieve the non-conformists for not keeping the Test and Corporation Acts. In 1730 Walpole compelled Townshend to resign from the cabinet because he differed from his foreign policy. He was determined to keep the direction of the policy of the cabinet in his hand. "The firm must be Walpole and Townshend, not Townshend and Walpole". Similarly Chesterfield was dismissed for opposing the Excise Bill in 1733. In this way Walpole tried to ensure unity in the cabinet policy. He was thus practically the first prime minister. The term however was not generally used until about 1760. He had to face strong opposition to the policy and methods of government. But the opposition was not united. Bolingbroke who had been pardoned in 1723 carried on agitation against Walpole. Others joined him. From 1737 Frederick, Prince of Wales, formed the centre of opposition which included Tories, discontented Whigs called 'Patriots' led by Pulteney and Carteret, and the 'Boys' or young Whigs led by Pitt. Walpole was lenient towards them. Hence they attacked him violently in the press. The death of Queen Caroline in 1737 however weakened the support and power of Walpole. In 1738 William Pitt attacked him for his pacific policy towards Spain. In

1739 the Jenkin's ear incident compelled him to yield to the opposition in favour of war with Spain. In 1740 there was an increased opposition to him led by Pulteney, Carteret and Sandys. In 1742 Walpole resigned

Walpole's resignation Commons over the Chippenham election petition. He believed in the

responsibility of ministers to parliament. Responsibility to the king was replaced by that to the House of Commons. This was the first instance of the resignation of the leader of the ministry without reference to the sovereign and owing to an adverse vote in the Commons. Thus the power of appointing ministers and keeping them in their place was gradually slipping out of the hands of the king. He could not keep Walpole in office. The fall of Walpole was due to his foreign policy which, contrary to Whig tradition, was based on friendship with France.

Carteret who represented the Sunderland or old school of Whigs with its traditional hatred of France came into power. Carteret's Drunken Administration lasted from 1742 to 1744. Both in character and policy he was completely opposed to Walpole. He cared solely for foreign politics. He did not therefore

Carteret's Drunken Administration.

gain the confidence of the nation because of his contempt for domestic affairs. Partly owing to his indul-

gence in wine and partly due to his policy being misunderstood, his administration was termed "Drunken". Though the elder Pitt opposed him, he inherited Carteret's policy and acknowledged him as his master. During his ministry was passed the Place Act of 1742 which restricted the number of government posts available for the members of parliament. In 1744 Carteret fell. The Pelhams forced the king to choose between them and their rival Carteret. George fearing the power of Pelhams over parliament consented to the resignation of Carteret, Earl of Granville.

From 1744 to 1754 the Pelhams, 'Broad Bottom' Administration carried on the work of government.

They included in their ministry every one whose influence or talent was to be feared. During the ministry the rebellion of the young Pretender, Charles Edward Stuart, was put down in 1745. In 1746 the ministry resigned because the king refused to admit Pitt into office. Earl of Granville failed to form a new ministry

Pelhams' 'Eroad Bottom' Administration. and therefore the Pelhams again returned to power along with Pitt. In 1754 Pelham died. His brother Thomas Pelham, Duke of New-

castle, formed the Newcastle ministry which lasted from 1754 to 1756. He owed his position to wealth and family connection. He was fond of power. It was impossible to do without him owing to his

Ministry of New-

parliamentary influence. He however had to resign after the commencement of the Seven Years'

War. He was frightened by the indignation of the nation over the mismanagement of the war and by want of support from his colleagues. From 1756 to 1757 there was Pitt-Devonshire ministry. The king

Pitt-Devonshire ministry.

however did not like Pitt whom he dismissed. Newcastle was recalled. But Pitt had to be admitted into

the ministry. After three months struggle between Newcastle backed by the commons and Pitt backed by the nation the coalition ministry of Pitt and Newcastle was formed. Pitt had the control of war and New-

Coalition ministry of Pitt and Newcastle. castle of parliamentary management. The opposition of parliament was at an end. George finding him

a competent minister loyally supported him. The death of George II in 1760 led to its fall in 1761 under George

III who wanted to break the rule of the Whigs.

We have noticed before that the ordinary or continual council was originally a kind of permanent committee of the great or common council of the kingdom. It dealt with the executive business during the intervals between the meetings of the larger

assembly and it merged in that big assembly whenever it was convened. With the rise of the House of Commons the common council developed into the national parliament.

The ordinary council became more of a distinct official body. Its members were not exclusively confined to the ranks of the baronage, clerical or lay, but commoners who were not necessarily members of the House of Commons were also appointed to the council. The independence of the members of the council had rested however on the presence of men who could not be easily removed, namely, great hereditary officials and powerful nobles.

Under the Lancastrians in 1404 we find that the council consisted of twenty-two members of whom six

Under the Lancastrians. were bishops, eight peers, seven commoners and the keeper of the Privy Seal. They were bound by

Privy Seal. They were bound by a special oath of secrecy and fidelity and received regular salaries of large amounts. This council worked as a ministerial body and also acted as a check on the king's arbitrary power. The number of councillors soon became too large for effective administration and under Henry VI the more important and industrious members were formed into a select or confidential committee which alone exercised all the administrative functions previously shared with the other members of the ordinary council and were distinguished by the title of privy councillors. The oath of secrecy was exacted from the privy councillors alone. The ordinary councillors were no longer consulted on purely executive business. They however continued to take part in the judicial duties of the council in its court of Star Chamber.

Under the Tudors the large infusion of commoners changed the nature of the council into a purely official body, exercising the whole executive power of the crown, and through the Star Chamber and proclamations, large judicial and legislative powers also. In 1553 under Edward VI the ordinary council consisted of forty members of whom twenty-two were

commoners. It was divided for judicial and administrative purposes into five commissions or committees. The most important of these was called the committee 'for the state' or the privy council. It consisted of eleven noblemen, two bishops and seven commoners. Under the Stuarts after the abolition of the Star Chamber and other councils in 1641, the judicial functions of the council fell into abeyance.

After the restoration all the ordinary and privy members of the council were sworn as privy council-

lors. The privy council was the After the restoraconstitutional body advisors of the tion. king whom he was bound by the laws and customs of the realm to consult. Charles II however hated the delays and restraints imposed on the aims of his policy and his work by long debates in the council. "The great number of the council made it unfit for the secrecy and despatch which are necessary in great affairs" The council at the time acted generally through committees. Therefore he formed a small select committee or cabinet council where he debated and resolved on all important matters and then submitted them formally to the whole body of privy councillors for mere confirmation. He was the first king who introduced this change. Though this body was convenient and necessary for administrative purposes it deprived the privy council of all control or check over the actions of the king and vested the government of the country in a body of ministers irresponsible to the nation. Hence was proposed the scheme of Sir William Temple in 1679 to restore the privy council to its power by making it a body of thirty instead of fifty.

Temple's scheme of But it did not work and the cabinet system was again resumed under Charles II and James II. The cabinet remained a body

Charles II and James II. The cabinet remained a body of king's servants supporting the authority of the crown not only against the privy council which was the legal advisory body but also against the wishes and power of parliament.

The fate of Charles I had made it necessary for the king to employ ministers who had influence in parliament. Charles II also wanted a small group of ministers who would give him advice Needs of Charles II. and carry on his administration according to his wishes, support him unanimously in his work and share the responsibility for his acts. He did not want to consult the privy council which had grown very large for preserving any secrecy and for carrying on administrative work effectively and which contained members who were opposed to his views and policy. On the other hand parliament wanted to make ministers definitely respons ble for Needs of parliament. every act of administration so as to get at them by impeachment. It did not want to attack the king but to hold his ministers and administrators responsible for his policy and government. The privy council was not a suit. able body because it was too large and contained members who had no part in administration. Parliament was therefore anxious to know definitely the body or group of ministers who were to carry out the work of government. The king wanted to keep the body secret and responsible to himself and parliament wanted

As a result the privy council fell into the back ground. A small body or cabinet of ministers came into existence, consisting of the

it to be public and responsible to itself for its acts of

administration. Thus on both sides a need of a definite

body of actual ministers was felt but their motives

holders of great offices of the state.

But it had no legal basis. The problem of its composition and position, its character and responsibility was solved by the new conventions of the constitution which gradually arose to carry out the results of the parliamentary struggle of 1641 to 1688 which had forced the king behind his ministers and thus led him to select a small number of advisors on whom he could rely. But it was

necessary to harmonise king's policy and parliament's policy on a common line of action. The restoration settlement had recognised the importance and place of both in the constitution. Therefore some device was necessary to bring this harmonising about. The privy council was too large in numbers and was an advisory body helping in the routine of administration. Its members were appointed and dismissed by the king. They were not necessarily members of parliament nor were they responsible to parliamentary or public opinion. They were responsible to king alone. Parliament could impeach them but the king could pardon them. The privy council therefore could not work as a trusted executive organ both of the king and parliament.

Charles II divided the privy council into effective members who were consulted in matters of policy and

honorary members who were not. Charles II and the The effective members came to Privy Council. form his small body of advisers who were in his confidence and who were able to influence the action of parliament. The privy council itself had been divided into a number of committees under the Tudors and Stuarts which dealt with every branch of administration. They were also too large for consultation, and in great and important matters they did not agree. The Earl of Clarendon revived them under Charles II. One of the most important of them as we have seen was that for foreign affairs. The king however who summoned a few selected members of the council to his private consultation room or cabinet did it purely as an informal committee to advise him privately on his affairs and policy without adopting long formalities of the council. The exact date of its formation is unknown. The Earl of Clarendon who was for a time one of its members described it as follows. "These ministers had every day conference with some select persons of the House of Commons who had always served the king and upon that account had great interest in that assembly, and

in regard of the experience they had, and their good parts were hearkened to with reverence. And with those they consulted in what method to proceed in disposing the house, sometimes to propose, sometimes to consent to what should be most necessary to the public; and by them to assign parts to other men, whom they found disposed, and willing to concur in what was to be desired, and all this without noise, or bringing many together to design, whichever was and ever will be ingrateful to parliaments, and, however it may succeed for a little time, will in the end be attended with prejudice."

The king continued till George I's reign to be the real executive head. He chalked out his own policy and chose his own ministers. He controlled them and did not seek parliament's approval of them or their policy. After the fall of Clarendon in 1667 Charles II

gathered such a cabinet or body of Charles II's cabinet. advisers and ministers and ruled with their help from 1667-1673. They were his trusted friends and knew his secrets and aims of his policy. They did not however act as a body, for the king took now the advice of one member, now of another. But the unpopularity of this 'cabal' and the difficulty of ensuring harmonious relations between the legislature and the administration discredited it. Similarly Charles chose Thomas Osborne, Earl of Danby, as his minister and carried on government without reference to parliamentary wishes in the choice of ministers. Parliament wanted to control the members of the cabinet or royal advisers who were only responsible to the king, were chosen by him, and conferred with him in secret. It asserted its control of king's policy and the doctrine of ministerial responsibility by impeaching Danby in 1679 who was held responsible for the advice given to the king in public or in secret. The king had promised to act according to the advice of the privy council to be reorganised under the plan of Sir William Temple. But Temple's scheme failed because the body was too large for administrative purposes. An inner cabinet soon came into existence and became supreme. The king acted by its advice. Thus the privy council was virtually superseded by the king's creation of a small body of his own advisers and ministers. Parliament however wanted only those ministers in whom it had confidence. Therefore a unified responsibility was necessary. Parliament was not able to establish it from 1681 to 1688 when there was practically absolute rule.

The revolution of 1688, though it finally established limited monarchy and parliamentary supremacy, did not create any new constitutional forms or machinery in the form of a mediating and harmonious body between the king's policy and parliamentary wishes, that is, a body of ministers chosen by the king and approved and controlled by parliament.

William III's reign did not develop any such machinery. His small and informal body of ministers

William III and cabinet.

was chosen by him from both the parties. They enjoyed his confidence and were also influential in

parliament. He retained great control over the conduct of government especially in foreign affairs. He was not a mere figure-head. He determined the direction of government's policy. The executive was not as yet under parliamentary control. William did not allow parliament to control the choice of his ministers. In 1692 members of parliament attacked the cabinet as not being one of the English legal institutions. They wanted the ministers to sign the advice they gave.

The modern method of ministerial control by parliament did not arise out of the weapon of impeachment, but it arose when the king recognised gradually the need of support for his governmental policy from the majority party in the House of Commons who held the control of the purse and of the government expenditure. It was Sunderland who suggested to William to choose his ministers solely from the party of Whigs. William however followed this advice as a matter of

convenience and not of principle from 1696-1698 when the Whig Junto ruled. But he did not realise its real meaning in the selection of ministers. He felt himself entirely free in his choice of the members of the privy council and of those of it who were to hold offices of the state and so to form the ministry. He did not feel any obligation to consider their relation to the distribution or strength of parties in parliament. He did not realise the necessary connection between cabinet and parliamentary majority nor did he feel himself limited by the advice of his ministry. He followed his own advice in many important matters. He thought himself to be the real executive head and was the final

arbiter on all questions of policy.

For the development of the cabinet three things were necessary, namely, the complete retirement of the king behind the policy of his ministers, that is, the entrusting of his initiative in executive policy to his ministers, the responsibility of ministers to the majority in parliament on whom depended the treasury and the army, and the unity of policy in the ministry, that is, its collective responsibility and the supremacy of the prime minister. The coalition ministries of William though they might have possessed the support of the majority of members of parliament on particular measures of government were not united by a common policy and collective responsibility. The ministers were individually chosen from the privy council and were individually responsible to the king and might have influence with some members in parliament. The ministry as a whole was not organised as distinct from the privy council. The result however of William's reign was the growth of a small group within the privy council of the holders of the great offices to whom the control and direction of national affairs was being committed. This group did not consist of members of any one party of parliament but they had great influence amongst the members of their own party. They were appointed by the king as he found it convenient for the purpose of carrying on his government.

The real issue between the king and parliament now was how to control the policy of the executive in its daily administration and working of government. In the Act of Settlement of 1701 parliament put in two provisions which would have destroyed the beginnings of cabinet government. One of them required that all the business of the council should be transacted in the privy council and not in any junto, cabinet or cabal which was the small and informal body of king's ministers. It wanted the members of the privy council to furnish evidence of their responsibility by attaching their signatures to the resolution to which they consented. In this way parliament wanted to enforce responsibility of ministers. The other forbade the election to the House of Commons of any officers or pensioners of the crown, including the ministers. This would have cut off the direct connection of ministers with parliament. Both these provisions were however repealed by an act of 1705 which provided that no person holding any office created after October 25, 1705 or certain other offices named could sit in the House of Commons and that any member accepting any other office than these should vacate his seat but might be re-elected. The Place Act of 1708 maintained the close connection. between the ministry and parliament.

The reign of Queen Anne does not mark any new development in the formation of the cabinet system

Queen Anne and pealed the two provisions of the Act of Settlement. It continued

the same policy in the formation of cabinets as that of William IV. Since 1708 however there were homogeneous ministries representing the majority opinion in the parliament. But still the real connection between the parliamentary majority, the cabinet and the successful carrying out of the governmental policy was not seen. At the death of Anne the privy council had lost its importance and the cabinet as a definite body of office-holders acting together and influencing the policy of the government and the opinon of parliament.

had taken its place as the organ of advice and of direction of policy in matters of state. Still though ministries were composed of one party from 1708, the ministers in them held sometimes radically different views. Harley was a non-conformist. St. John was a high churchman. They were both Tories but opposed each other over the Schism Act and the Act against Occasional Conformity. There however could not be any head of the cabinet or prime minister because the sovereign presided at the cabinet meetings and directed its policy. The members were directly subordinate to the king. Therefore there could not be any unity or unanimity of policy amongst them as the policy was initiated and controlled by the sovereign. It was not felt necessary that the members should keep together even if they belonged to the same party. The idea of corporate or collective responsibility of the cabinet to parliament was not realised. The ministry as a whole did not resign on being defeated in parliament. The members were not bound to each other. The cabinet was at that time the council of the crown containing a group of ministers holding high offices in confidential relations with the sovereign. It was however no longer looked upon as a secret cabal or junto dangerous to the power of parliament to be destroyed. Still the new ideas of ministerial responsibility and party government were not developed. The cabinet came to be accepted as a part of the government machinery. The sovereign attended its meetings and was able to influence its deliberations.

But after the Hanoverian succession the position was changed. The Whigs in securing it gained for themselves the steady support of George I and George II and from 17.14 to 1761 ministries were formed exclusively from Whigs. They became the dominant party in the country because of the great amount of power given to their ministers by the first two Georges. They did not attend and preside over cabinet meetings and left the direction of cabinet work in the hands of the chief

minister who was the most trusted or powerful. Walpole who became the chief minister gradually established the principle that the king should leave to him the

Walpole's ministry and work. selection of other ministers in order to keep the policy of the ministry harmonious and the membership

harmonious and the membership homogeneous. He also established the principle that the ministry should command the support of the majority in the House of Commons as the king had retired behind the ministers and should be responsible to it. Thus the theory of ministerial unanimity, that is, that the ministry should be chosen exclusively from one party was finally accepted in 1714 when George I came to the throne. He trusted only the Whigs who favoured his succession. Neither under William nor under Anne was this theory accepted. Both wished to secure the support of all parties. They had coalition ministries excluding the Whig Junto formed in 1696 owing to the difficulty of inducing Whigs and Tories to adopt a uniform policy. From 1708 we get harmonious and exclusive ministries of Whigs or Tories but they were not unanimous. It was Walpole who insisted on ministerial unanimity. He excluded Townshend, Pulteney and Carteret when they opposed his policy. The sovereign had retired from the presidency of the cabinet and left government matters to his ministers. Hence it became more independent. The chief minister wanted unity of policy and control in the ministry in order to carry on government smoothly in response to the wishes of the majority in parliament. The strong rule of Walpole from 1721 to 1742 definitely gave the form to the cabinet and created the prime ministership. He demanded loyalty from his colleagues. He relied upon majorities in the House of Commons. He took in his hand the direction of the general policy of the cabinet. His long tenure habituated Georges to a ministerial system. His superior qualities of leadership, the force of his personality and the circumstances created by the new succession made him the leader or the prime minister in the cabinet councils and in the House of Commons. He stepped into the

place of the sovereign in the cabinet over which he presided from 1721 to 1742. He was a man of strong will and had great power for work. He made himself indispensable to the king because he could manage parliament by a system of bribery and patronage. His success was therefore due to the support of the two Georges and the House of Commons. He was also the leader of a well-drilled party. His policy was a party policy.

After the fall of Walpole the country was governed by departments and heads of departments as in the case of the elder Pitt who often acted independently of his chief. In the departmental system the crown has to be the coordinating factor in administration and the moving force in policy. It is based on the equal right of every minister to advise and to be solely responsible for the executive action of his own department. In the cabinet system ministers are coordinated through the prime minister and the necessary consequence is its collective responsibility.

From 1742 Walpole's principles were not strictly followed and therefore the cabinet system had not a smooth development till 1783. After Cabinet system after his fall there was a return to the old Walpole. system of coalition ministries in the Broad Bottom Administration or the ministry of Pelham from 1744 to 1754 which included every one whose influence or talent was to be feared. There was a ministerial crisis in 1746. Pelham ministry collectively resigned on account of the refusal of the king to admit Pitt who had attacked king's Hanoverian partialities. Carteret, Earl of Granville, failed to from a ministry as he had no parliamentary support and the Pelhams who had a majority in parliament returned to power and forced the king to admit Pitt into ministry by collective action. George II submitted and supported them loyally as being the ministers given by parliament. This incidence showed the independence of the

ministry which was supported by the nation and parliament against the personal wishes of the king.

During the ministry of Newcastle 1754 to 1756 Pitt who was the paymaster general was dismissed in 1755 by the king. He was deter-Pitt and the king. mined to get into power. When the Seven Years' War began in 1756 Pitt asserted that he alone could "save England and that no one else could". On the resignation of Newcastle who got frightened by the indignation of the nation over the mismanagement of the war and by the lack of support from his colleagues, he got into the ministry of Devonshire 1756-1757 as Secretary of State. But the king and parliament disliked Pitt and he was dismissed in 1757. No one could take his place. Hence there was a ministerial crisis. Therefore on the strength of the support which the nation gave to Pitt the king had to allow him to return after eleven weeks and to be placed in the ministry and thus the coalition ministry of Newcastle and Pitt was formed. It lasted till 1761. The opposition of parliament to Pitt was at an end and the king finding him a competent war minister supported him. Thus the king found that he could not act without advice from responsible ministers and had to take his policy from the cabinet. His death in 1760 led to the fall of Pitt's ministry because George III was determined to break the rule of the Whigs and for this purpose he brought about the close of the war.

In 1760 the position of the cabinet was that it was established in the sense of a group of ministers who decided the policy of government, were individually responsible and were dependent on parliamentary

support. In selecting the ministers the crown was limited by their influence in parliament and by their capacity to follow a common line of policy and action and by their readiness not to carry political differences to open revolt. The leader of government was frequently called 'prime minister'. He enjoyed respect and

pre-eminence which depended on the confidence which he won from the crown, on the quality of his own gifts and character, and on his personal and political relations with his colleagues and party.

The Whig party which was in power from 1714 to 1761 was supported by territorial aristocracy, commer-

cial classes and non-conformists. The Whig party. The great families who had taken part in the revolution showed great aptitude for government, possessed social status, territorial influence and wealth, had majority in the House of Lords and controlled the members of the House of Commons. They were aristocratic or even oligarchic in temper but stood for government in accordance with the national will expressed in lawfully established organs of government. They were against the theory of royal prerogative and were for the supremacy of the rule of law. They believed in religious toleration. They were however not able to prevent corrupt practices and abuse of patronage, to extend suffrage, to create a really representatives legislature and to reform the legal code of the country.

The Whig supremacy from 1714 to 1761 added some new features to the constitutional machinery of parliamentary government. Its work. Whigs were a party with a definite creed. They familiarised parliament and the nation with the idea of a ministry whose first function was to have a policy and to carry it out. They created a habit of thought which was necessary for the growth of the cabinet. The withdrawal of the sovereign from presiding at cabinet meetings weakened the initiative and control of the crown and strengthened the independence and power of ministers. It made the existence of the prime minister possible and led to the development of collective responsibility. It necessitated the management of parliament for the carrying out of the king's business and therefore the choosing of those ministers who could manage it. The ministers would not agree to take office and face parliament unless the policy they followed was their own and unless the government was allowed to be carried on according to it.

Thus the character of the monarchy altered during these years. Its direct share and influence in the government of the country decreased. Its power passed to the prime minister, and parliament came to control the executive more and more. The privy council ceased to be the advisory and administrative organ of the state and the cabinet took its place.

#### CHAPTER IX.

## THE HANOVERIAN PERIOD (1760-1820),

2. The Patriot King and the Prime Minister.

The prerogatives of the crown were not much affected legally by the revolution settlement. It swept

affected legally by the revolution settlement. It swept away only the recent innovations of the Tudors and the Stuarts. The

king retained his supreme executive authority and co ordinate legislative power. His right of summoning, proroguing and dissolving parliament at pleasure and refusing his assent to bills remained. He continued to be the fountain head of justice and dispensed it through his judges in his name. His prerogative of pardon was there. He was solely responsible for the recruitment and discipline of armies and navies. He was the fountain of honour and therefore possessed the power of creating peers and conferring titles and offices. He also continued to be the legal head and supreme governor of the national church and therefore retained the power of summoning, proroguing and dissolving the ecclesiastical synods and convocations. He represented the majesty of the state in its relations with foreign powers and therefore continued to send and to receive ambassadors, and to make war and peace and treaties and alliances. But in actual fact the power had shifted from the king to parliament. The legal prerogatives of the crown were now being exercised not at the will of the sovereign but of the responsible ministers of the crown who represented the will of the majority in the House of Commons. This House became supreme in the state as it secured the sole right of taxation and settled the practice of granting only annual supplies. Its sittings in consequence could not be suspended or its will opposed. The personal influence of the crown, however, continued but diminishingly. "It is a moral and not

coercive influence", according to Gladstone. It was the establishment of parliamentary monarchy in place of a strictly legitimate and hereditary monarchy after the Revolution and the absence of kings from presiding at the council-board which contributed to the diminution of that influence. The king did not remain his own prime minister or foreign minister or commander-in-chief after William III. George I and George II supported their ministers loyally and acted as constitutional kings.

The reign of George III is important for the struggle of the king to make himself the real head of the executive and to regain the George Ill's aim and position which his two predecessors character. had lost. He wanted to become the real ruler of the country. His education had taught him to consider his own rights and authority as sovereign. His tutor Lord Bute and his mother had inculcated in him exalted notions of his royal dignity. 'George, be king', was her exhortation. These teachings were based on Bolingbroke's 'Patriot king'. George aspired to be a patriot king ruling absolutely but for the people's good. His personal character was virtuous but he was narrow-minded and very limited in his intelligence. He was very obstinate in temperament and tenacious of his rights. He was stubborn and industrious. He was, however, a patriotic Englishman. He was popular and strongly attached to the Church of England. He once said 'Born and educated in this country. I glory in the name of Britain'. He did not however understand the political spirit of the times, though he desired to promote the welfare of his subjects. He wanted to assert the personal power of the sovereign which had shifted to the ministers from the time of George I. He did not want to be controlled by ministers and parties in matters of government.

To carry out his object he had to break up the Whig supremacy. The Whigs had been very powerful

and carrying on government since 1714. They were better organised than the Tories owing to their united opposition to James II and the Pretenders.

Their party included most of the ablest men of the time. The majority of the peers were Whigs. They were in a majority in the House of Lords. They owned about two-thirds of the country and many pocket boroughs and managed many 'rotten' boroughs, thus controlling the elections to the House of Commons. Under the first two Georges they possessed the power of state patronage and were able to bribe with it members of parliament to gain their support to their policy. They also controlled the administration of local government. They were supported by the trading classes who were for war against France and for the increase of colonial trade and empire and were against the restoration of the Stuarts. The non-conformists sided with them as they wanted toleration and got an annual Act of Indemnity passed for their violation of the Test and Corporation Acts. The Whigs wanted to maintain their power and therefore made bribery of the members of parliament a system. Their rule which depended on a few great families was called a 'Venetian oligarchy.' They however steadily supported the principles of the revolution and finally established party government and cabinet system in England.

During their long monopoly of power differences arose amongst them. By 1760 they came to be divided

Their divisions and differences.

into four groups possessing different opinions in political matters. The old or aristocratic Whigs, such as Newcastle, Devonshire, Rockingham, Burke, believed in war against France, in party government and freedom of the press, opposed parliamentary reform and American taxation on the ground of expediency, and were for the rights of the electors as against the Commons. They joined the new Tories under younger Pitt in 1794 after the French Revolution. The democratic Whigs or the Whig Imperialists, such as the elder Pitt, Grafton,

believed in war against France, in parliamentary taxation and reform, freedom of the press, and in the rights of electors as against the Commons and opposed American taxation on the ground of justice and the rule of old Whig families. The Whig Aristocrats or the Bloomsbury Gang, such as Bedford, believed that the government should be a monopoly of the great Whig families. They joined the old Tories under Lord North. The Whig Legalists, such as Grenville, believed in peace policy, in American taxation, in respect for the Commons, in attachment to the crown and in the rights of electors as against the Commons. They also joined the old Tories under Lord North.

The Tories who were excluded from power after the Hanoverian succession were not in public favour.

The position of the broke had fled from the country through fear of punishment. They

were split into jurors and non-jurors and were Jacobite in their tendency. After the failure of the rebellion of the young pretender in 1745 they veered round to the support of George III and his monarchical ideas which were based on Bolingbroke's "Idea of A Patriot King." They no longer questioned the revolution settlement but supported the king and his remaining powers. Under George III they got split into two groups. The old Tories, such as Bute and North, believed in the principles of dependence of ministers on the crown and in American taxation and opposed parliamentary reform and later Catholic emancipation. The new Tories were the creation of younger Pitt in 1794. They believed in peace and non-intervention policy, in commercial reform, and in Catholic emancipation, and opposed parliamentary reform.

Under George III a new party of Whig Liberals or new Whigs, such as Fox, and a party of Radicals,

New parties. such as John Wilkes, developed.

The new Whigs were for the peace traditions of Walpole, Catholic Emancipation, parliamentary reform and slave emancipation. The Radicals

were staunch supporters of the rights of the people against the royal prerogative and a corrupt House of Commons. It was the amalgamation of the old Tories, the Whig Legalists and some of the new Tories and the Whig Imperialists that created the Modern Tories or Conservatives, and it was the union of old Whigs, the new Whigs and some of the new Tories and the Whig Imperialists that created the Modern Whigs or Liberals.

From 1760 to 1784 George III interfered in all the affairs of government and was determined to break the long rule of the Whigs. His struggle against them led to the reorganisation of old parties and after the influence of the French revolution to the formation of new ones. His reign saw the revival of the old Tory party, under the name of the 'king's friends', the birth of the Radical party in 1769, the rise of the new Whig party in 1791 and that of the new Tory party in 1794.

George III began his struggle by forcing his own views, ministers and officers on the nation against those

with the Whigs (1760-1770.)

of the party in majority in parlia-George's first struggle ment. He created a body of secret counsellors to carry out his purpose

of keeping all power in his hands. Earl of Bute was its head. These counsellors and their followers in the House of Commons were largely Tories and were called 'king's friends'. They supported him even against his own ministers. He opposed his constitutional ministers. He took away the control of government patronage and rewards from their hands, and distributed that vast amount of ecclesiastical, military and civil patronage as he liked in order to get supporters for his policy. It was the greatest weapon in his hands. He however did not intend to do without parliament. He did not attack the sovereignty of parliament. He accepted the revolution settlement. He only strove to establish the royal control of government policy as under William III.

He wanted to rule by his own ministers and by parliament subservient to him. For this purpose he adopted the methods of parliamentary corruption, of playing one section of Whigs against the other, and of recalling Tories to power. There was nothing unconstitutional in his aims and plans. As soon as he ascended the throne (1760) he made Lord Bute a privy councillor and admitted him into the cabinet without consulting

Newcastle's ministry. Newcastle or Pitt. He drafted his first address without their advice. He neglected the regular ministry of Newcastle and Pitt. Bute became his real adviser and in 1761 he was made the secretary of state. Thus the king determined who should be his ministerial advisers and began to take an active part in the initiative and direction of government policy. He however did not insist upon attending cabinet meetings but made known his views to the cabinet through his special friends or by direct statements In 1761 Pitt resigned because his colleagues refused to declare war on Spain. In 1762 Newcastle also resigned because royal patronage was taken out of

his hand and Bute became first Lord of the Treasury and Prime minister. George was however really his own chief minister. Bute was a man of very mediocre abilities. He supported his master's designs and adopted the method of wholesale bribery of the House of Commons in order to carry out the king's wishes. But being very unpopular both within and without parliament as he was a Scotsman, his position as a minister was very unstable. He therefore resigned in order to prevent any feeling of discontent rising against the king.

George Grenville succeeded him in 1763. During this period the king removed some old Whig lords from the Privy Council and Lord Lieutenancies because they disapproved of peace with France and dismissed a number of placemen from their posts for their adverse votes in parliament. Grenville who belonged to an important

Whig family was, however, not a pliable person, and ministers would not act merely as agents of Bute or the king. George tried to form a new ministry but failed, because Pitt wanted his own colleagues. After the displeasure of the king caused by the exclusion of his mother's name from the Regency Bill which was brought in during the king's short illness (1765) Gren-

First Rockingham's Ville was dismissed. Marquis of Rockingham and Conway were summoned to form a new ministry.

But it was weak, being not supported in parliament by the king's friends who opposed the repeal of Grenville's Stamp Act of 1765 and by the parties of Pitt and Bedford. Rockingham was dismissed in 1766 and thus the first Rockingham ministry fell.

The king summoned Pitt who was opposed to party government to form a ministry. George did not

Chatham's ministry. Want any party government. The Chatham's ministry which was formed on non-party lines lasted from 1766 to 1768. Pitt however was not popular because of his acceptance of peerage. He resigned in 1763 because he disapproved of the conduct of his colleagues during his illness. The Grafton ministry succeeded in 1768 but was dissolved

Grafton's ministry. in 1770 due to the condemnation of its policy towards Wilkes and towards American colonies by Chatham. There being a split between the Whig followers of Rockingham and Chatham, the opposition was too disorganised to force itself upon the king who was therefore able to call Lord North to his assistance. Thus there was a rapid change of ministries from 1761 to 1770 because of royal interference. They were unstable and disunited. Lord North's ministry was the seventh.

The appointment of Lord North as the prime minister marked the complete triumph of the king.

North's ministry and personal government of the king.

From 1770 began king's personal government. North belonged to the old Tory party and was willing to act as the king's responsible

agent in parliament. He was a man of ordinary abilities. The North ministry lasted from 1770 to 1782. The king directed the minister in all important matters of foreign and domestic policy and instructed him as to the management of debates in parliament. He reserved to himself all the patronage, arranged the whole administration, and made and regulated all appointments of ministers, judges, officers, bishops and dispensed all preferments of the church. He disposed of military posts and commissions. There were 192 members holding offices under the government. He gave titles, honours and pensions. He became "his own unadvised minister" according to Fox and controlled cabinet and parliament. Lord North became merely the mouthpiece of the king. He believed, that what the king did was his constitutional right. In 1772 the Royal Marriage Act was passed forbidding the marriage of the descendants of George III under the age of twenty-six without the consent of the sovereign;

During North's ministry the American War of Independence took place from 1776 to 1783. The cause

American War of Independence. Its causes.

of the war was the claim of England to tax her colonies without granting them representation in her parliament. Americans refused to

admit the claim and to pay the taxes. Parliamentary legislation for the colonies had been confined strictly to the regulation of trade. Customs duties had been imposed but parliament had not taxed the colonies 'for a revenue' and America 'had except the commercial restraint every characteristic mark of a free people in all her internal concerns? The view of the colonists was 'no taxation without representation', but this view recognised a distinction between new 'internal' taxes raised for a revenue and the old 'external' taxes regulating trade. It denied the right of parliament to the levy of internal taxes but agreed to the levy of therefore accepted external taxes. The colonists Grenville's regulations regarding smuggling in 1764 but opposed the Stamp Act of 1765, the Declaratory

Act of 1766 and the American Imports Duties Bill of 1767 levying duty on glass, paints, paper and tea. These acts caused great irritation in America and created riots. In 1770, with the exception of tax on tea all taxes on American imports were repealed. In 1773 Boston refused to take the tea sent to her and threw it into the sea. To meet the riotous conduct of Americans at the Boston harbour the English government passed a series of measures known as the Intolerable Acts'.

The colonists and Pitt opposed them fearing the extension of the absolute power of the King. Pitt spoke

"I rejoice that America has resisted. Various view-points. Three millions of men, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest". He was however a strong imperialist and was opposed to the grant of independence which would weaken the empire. He was for justice done to the colonies. Rockingham and Burke asserted that the sovereign right of parliament included full right of taxation as well as legislation and stated this in the Declaratory Act of 1766 which asserted the absolute supremacy of the British parliament. They were however opposed to the strict assertion of rights, which, though legal, might prove oppressive and repealed the Stamp Act because, though legal, it was inexpedient, and when added to the external taxes on trade would have imposed on the colonists "perfect uncompensated slavery". Their doctrine was based on political expediency. The king advocated the strict enforcement of legal right, and maintained that parliament had absolute right of taxation and legislation and that it ought to be exercised. He therefore opposed the repeal of the Stamp Act and favoured a resolute policy. North who was inclined to conciliatory measures from 1776 was overruled by the king. The majority of the nation strongly supported the king.

The Intolerable Acts led the first American congress, held at Philadelphia, to issue a declaration of to great Britain till their grievances were redressed. England regarded colonies as existing solely for the good of the mother country and would not yield. The result of the war which took place was that America secured her independence and that the first colonial empire of England ended. The loss of America was a great blow to the continuance of the personal power of the king.

The king detested parliamentary reform. The assertion of the colonists that taxation involved repre-

Question of parliamentary reform involved in the American struggle. sentation meant the demand of parliamentary reform. If allowed, it would result in the extinction of king's personal influence and control over parliament which he had

acquired by bribery and patronage. Thus the American war formed a part of the struggle between the party in favour of king's prerogative and that in favour of its restriction. Therefore the king was reluctant to bring the war to an end inspite of North's warning that it must end in ruin to his majesty and the country. The colonists were fighting the battle for the opposition party against the king. The war meant a large amount of legislation, the passing of which through parliament was left by the king to his ministers. Its sucsess in establishing a democratic state involved the principle of parliamentary reform which when effected would destroy the secret and personal influence of the crown over parliament.

During North's ministry the king was ready to adopt most extreme measures to enforce his system of personal government. He threatened many times to use force or to go to Hanover if his ministers and measures were not accepted. On one such occasion Lord Thurlow said "your majesty may go, nothing is more easy but you may not find it easy to return when your majesty becomes tired of staying there". The first two Georges

did not exercise their prerogative of refusing assent to a bill passed by both houses. George III was prepared to do it but he did not.

The discontent caused by the war and by the king's policy of interference and personal rule led to the famous resolutions of Dunning Dunning's resolutions. in 1780 which were carried in the House of Commons. They affirmed that "the influence of the crown has increased, is increased and ought to be diminished." Lord North however did not resign, though repeated motions of want of Resignation of Lord confidence in the government were North. passed. In 1782 he resigned on

the severe condemnation of his American policy.

Whige, 1782-1783.

George was therefore compelled to accept Rockingham as prime minister and a Whig ministry com-

posed of Rockingham Whigs and Second ministry of Chatham or Shelburne Whigs was Rockingham. formed. Thurlow, a member of the

king's party however remained in office. Fox, Burke, Shelburne were its members. The king however The Second Struggle

started his second struggle with the Whigs for the establishment of the king with the his personal rules. The Place Act was passed in 1782 which deprived

the revenue officers of the franchise and excluded the government contractors from parliament. Its object was to purify the House of Commons from the corrupt influences by which the crown maintained a body of supporters, the king's friends bound to support the administration and measures approved by the king. Useless offices and secret pensions were also abolished. The Civil List Act accomplished some economical reform. Rockingham died in July 1782. Shelburne

was made the First Lord of Trea-Shelburne ministry. sury and prime minister. He advocated the policy of peace and free trade. Fox, Burke and Portland who represented the Rockingham section of Whigs resigned. They refused to serve under Shelburne and went into opposition. The ministry of Shelburne lasted from 1782 to 1783. Younger Pitt became the chancellor of the Exchequer and the leader of the Commons bocause Shelburne was not a good speaker. In 1783 the king acknowledged the independence of the United States of America under the Peace of Versailles. But the discontented Whig faction led by Fox in an unnatural alliance with the followers of Lord North created an adverse majority in the House of Commons on the preliminaries of peace against the Shelburne ministry and thus compelled Lord Shelburne to resign.

This upset the policy of the king who struggled hard to keep out the leaders of the coalition of Fox

Fox-North coalition ministry.

Whigs and North Tories. He asked Pitt twice to form a ministry but could not succeed. He was there-

fore forced to accept the unnatural coalition ministry of the Duke of Portland, Fox and North. He however thwarted these ministers in all possible ways and revived the unconstitutional tactics of organising opposition to them in parliament by means of his friends or members of the court party and officeholders under the crown. He authorised Lord Temple, the Secretary of State, to protest against Fox's India Bill in the king's name and to canvass the peers in the House of Lords against the measures of his own ministers. He wrote on a card 'His Majesty allows Earl Temple to say that whoever voted for the India Bill was not only not his friend but would be considered by him as an enemy". The Commons were enraged at this conduct of the king and passed a resolution on December 17,1783 "that to report any opinion or pretended opinion of his majesty upon any bill or other proceeding, depending in either house of parliament, with a view to influence the votes of the members is a high crime and misdemeanour, derogatory to the honour of the crown, a breach of the fundamental privileges of parliament and subversive of the constitution". On this very day the House of Lords rejected the

India Bill and on the following day the king dismissed

his ministry abruptly and contemptuously.

The coalition ministry was supported by a vast majority in the House of Commons and the king found it difficult to organise a new ministry

Pitt's ministry. in the face of a hostile parliament. He was however saved by the genius, perseverence and tact of younger Pitt who consented to form the government and became premier at the age of twenty-five. For four months Pitt held office in he face of a hostile House of Commons. The Whigs who were still in a majority ridiculed him. Votes of want of confidence were passed. Attempts to prevent a dissolution of parliament were made by delaying the vote of supplies. But Pitt gained the enthusiastic support of the trading classes and the country generally and the opposition majority dwindled down to a bare majority of one only by the use of various corrupt devices. Parliament was then dissolved in 1784 and the general election gave him an overwhelming majority. The coalition, though powerful in parliament by means of a combination of parties, had never been popular in the country. Pitt remained in power till 1801. One hundred of Fox's martyrs or supporters lost their seats. Thus the king and his minister triumphed over the Whig oligarchy with the help of the nation. But though the ascendency of the crown was established in this particular struggle, the king's will was no longer supreme as it had been during the administration of Lord North.

His new prime minister was a man of strong will and ability. He had large views of state policies. The king trusted him and yielded to his superior intellect and approved his policy. The minister was not subservient to the king. He worked in harmony with the king but was not his instrument. The king continued to take part in the council deliberation and in the affairs of the state. His wishes still influenced the ministers in the general policy of the government. The result of the struggle was

only the break of the Whig dominance. But the cabinet

system again revived and the prime ministership again established itself.

During this period some cases of constitutional importance took place. They related to the arrest of persons and seizing of papers under In hise of Wilkes. general warrants. In 1763 occurred the case of John Wilkes, a member of parliament. He was a man of disreputable character but very clever. He was a strong opponent of Bute and started 'the North Briton' in opposition to 'the Briton', edited by Smollet for Bute. In No. 45 of the North Briton he attacked the king's speech for a false statement of the treaty of Paris. Although his ministers were responsible for the speech, the king took the attack as a personal insult and ordered the prosecution of Wilkes. Lord Halifax one of the secretaries of state issued in accordance with the customary practice a general warrant, not mentioning the names of individuals to be arrested. It merely directed the messengers to make a strict and diligent research for the authors, printers and publishers of a seditious and treasonable paper, entitled, 'the North Briton, No. 45', and these or any of them having been found, to apprehend and to seize them together with their papers. Under it forty-nine persons were arrested. Wilkes who was also arrested was brought up for trial. He declared it "a ridiculous warrant against the whole English nation". He was released on a writ of habeas corpus by the Lord Chief Justice, Pratt, shortly on claiming as a member of the House of Commons, the privilege of freedom from arrest which did not apply only in case of treason, felony or breach of the peace.

Soon after Wilkes brought an action of trespass for damages against Mr. Wood, the Under-secretary of State who had personally superintended the execution of the warrant.

The case was tried by the Chief Justice Pratt and a special jury. The chief justice declared that general warrants were illegal and that such power was "totally subversive of the liberty of the subject". Wilkes was

awarded damages and he recovered £1,000 from the under secretary, for entering his house, breaking open his locks and seizing his papers. Later in 1769 he recovered £4,000 from Lord Halifax for illegal arrest and false imprisonment. Grenville, finding that the law courts did not help him, brought the Wilkes' case before the House of Commons who declared "North Briton, No. 45, a false, seditious libel and maintained that the privilege of parliament did not extend to such cases.

On the meeting of parliament in November 1763, the Commons in order to support the king voted that the North Briton, No. 45 was "a wilkes and the House false, scandalous and malicious of Commons. libel", and ordered it to be burned by the hands of the common hangman. Then, acting contrary to their own previous resolutions they resolved "that the privilege of parliament does not extend to the case of writing and publishing seditious libels nor ought to be allowed to obstruct the course of law, in the speedy and effectual prosecution of so heinous and dangerous an offence". Lords agreed to these resolutions. But Pitt and seven peers protested against the surrender of the privilege of parliament "to serve a particular purpose, expost facto et pendente lite, in the courts below". The libel was against the king's ministers rather than upon the king himself. There was nothing in it against parliament except some innuerdo about its corruption. But sedition was an offence cognisable by law and its character could only be determined by the courts, where a prosecution had already been commenced. Parliament was anticipating the decision of the proper tribunal by condemning it as seditious. Wilkes who had been ordered by the Commons to attend in his place with a view to further proceedings withdrew to Paris because of petty persecutions of the government and the severities of parliament. He expected no mercy from the crown or from parliament. He disobeyed the orders of the House. It therefore proceeded in his absence, took evidence of his being the author and publisher of the North Briton No. 45 and expelled him from the

Wilkes. House for the first time. Though the Commons were within their

powers, the expulsion was vindictive and hasty because he was about to be tried for his offence in the court of King's Bench, which had served on him a writ of sub-poena to answer the charge of publishing a seditious libel in the North Briton, No. 45. He was outlawed for not appearing before it. The Commons ought to have waited for his legal conviction instead of prejudging his case and anticipating his legal punishment.

At that very time Lord Sandwich complained to the lords of an "Essay on woman" with notes, to

Wilkes and the House of Lords.

which the name of Bishop Warburton was added. Only thirteen copies

of it were printed in Wilkes' private printing-press. There was however no evidence of its publication. A proof copy was obtained through the treachery of his printers. Whether it was obscene or blasphemous could have been tried in the court of law. But the use of the name of a bishop who was a member of the House of Lords led the Lords to interfere and to declare it to be a breach of privilege. They examined the printers, from whom the proof-sheets had been obtained, in order to prove that Wilkes was the author. They then addressed the king to order his prosecution for the breach of their privilege. They ordered him into custody, but he had already escaped from their jurisdiction. Nothing further was done.

In the case of Leach versus Money (1765) the question of general warrant was involved. Wilke's printer, Dryden Leach, brought an action against three messengers of the king for trespass and false imprisonment. The defendants justified their conduct under a general warrant of Lord Halifax which required the defendants to search the authors, printers and publishers of an alleged seditious libel in the North Briton and to

apprehend them together with their papers. The plaintiff was apprehended and released after four days as he turned out not to be the printer. The jury found for the plaintiff £400 damages. Upon a writ of error being brought it was argued that such warrants had been sactioned by long custom and that a secretary of state as a sentinel of public peace must have the power to issue them. As a conservator of peace he was protected by statutes. Lord Mansfield, the chief justice, observed that there was no case for these uncertain warrants. "It is not fit that the judging of the information should be left to the discretion of the officer". "The magistrate ought to judge and give definite directions to the officer as to the person to be arrested. A usage to grow into law ought to be a general usage. This is but the usage of a particular office, contrary to the usage of all other justices." "No degree of antiquity can give sanction to a usage bad in itself".

In the case of Entick versus the Carrington (1765). The plaintiff brought an action of trespass against the messengers for the seizure of his Entick versus Carpapers. The defendant with three rington. other persons, the king's messengers, acting under a warrant from the Secretary of State had forcibly entered the plaintiff's house in 1762, he being alleged to be the author of a seditious libel in "the Monitor or British Freeholder", and carried away his books and papers. The warrant specified the name of the person, but as regard the papers it was a general search warrant, not specifiying any particular papers to be seized but giving authority to the messengers to take all the books and papers according to their discretion. Lord Camden C. J. delivered judgment for the plaintiff, stating that the Secretary of State was the king's private secretary and had not the authority of a magistrate. No individual privy councillor as such had a power to commit, and the warrant to seize and carry away parties papers in the case of a seditious libel was illegal and void.

The practice of general search warrants to arrest in which no particular person was specified is said to have originated with the Star Chamber. It was afterwards revived by the Licensing Act of Charles II and authorised to be used by the Secretary of State. It was continued to be followed frequently even after the expiration of the Act in 1694. The illegality of

Principles decided in these cases.

such general warrants was finally settled as well as the illegality of search warrants to seize papers.

Leach versus Money decided that a general warrant to seize some person not named was illegal. Wilkes versus Wood decided the illegality of a warrant to seize the papers of a person not named. Entick versus Carrington established the illegality of a warrant to seize papers of a person named. In 1766 the House of Commons passed resolutions declaring general warrants to be illegal and, if executed on the person or papers of a member of the House of Commons, to be a breach of privilege. A declaratory bill was passed by the Commons to carry into effect this resolution but it was not agreed to by the Lords. The courts however had judicially determined the illegality of general warrants. There was therefore no declaratory act necessary.

In the general election of 1768 Wilkes who had resided abroad as an exile and an outlaw returned from

Wilkes election and the House of Commons.

France and was elected to the Commons as a member for Middlesex. He had however to appear before the court of King's Bench which

had condemned him to outlawry for "a false, malicious and scandalous libel." He was committed to prison. His outlawry however was soon reversed, but he was sentenced to twenty-two months' imprisonment on the original charge of seditious libel and fined £ 1,000 in the matter of North Briton, No. 45. He was there fore not able to sit in the Commons. In 1769 he was

His second expulsion.

expelled a second time from the House before he took his seat for a libel on Lord Weymouth, the

secretary of state, published as the first letter of Junius in the Public Advertiser. This action was unjustifiable. The letter was a libel upon a Secretary of State, as an officer of the crown. Lord Weymouth who was a peer had complained of it as a breach of privilege. The author however was not proceeded against in the House of Lords but his paper was voted as an insolent, scandalous and seditious libel. A conference was held with the Commons on the conduct of Wilkes as a member of their House. They immediately took the matter up and called upon Wilkes for defence. He boldly admitted the composition of the letter. It was voted by the House to be an insolent, scandalous and seditious libel. A motion was then made for the expulsion of Wilkes and was based on this seditious libel on Lord Weymouth, on the publication of the North Briton five years before, for which he was already under sentence and had suffered expulsion from a former parliament, on his impious and obscene libels for which he was already suffering punishment by the judgment of a criminal court, and on the fact that he was under a sentence of the court to suffer twenty-two months' imprisonment. But the exercise of this right of expulsion was unjust and oppressive. Wilkes had already suffered and was suffering for the two offences enumerated. As for the libel on Lord Weymouth it was not for the House of Commons to condemn and punish him in this summary way. There were the courts to try and punish him.

Wilkes was immediately reelected without opposition. The House however resolved that Mr. Wilkes "having been in this session of parliament, expelled the House, was and is incapable of being elected a member to serve in this present parliament." The election was accordingly declared void and a new writ was issued. This action of the House was highly unconstitutional. Though the House had a right to expel an unworthy member it was however a very arbitrary proceeding to create a disability, namely, the incapacity to be a member, unknown

to the law by a vote of the House. Wilkes was already suffering for his offences for which he was tried. He was re-elected for the third time His third election. without opposition. Again a new writ was issued. He was however again elected a fourth time by a majority of 847 votes over Colonel Luttrell who was the king's candidate. The Commons pronounced the return of Wilkes to be His fourth election. null and void and declared Luttrell duly elected as a member for Middlesex. Wilkes was now effectually excluded from parliament. In 1770 Lord Chatham denounced it as 'refusing by a resolution of one branch of the legislature to the subject his common law right and depriving the electors of Middlesex of their free choice of a representative." Lord Camden, the Chancellor, condemned these arbitrary measures of the ministry and stated the incapacitating vote "as a direct attack upon the first principles of the constitution." Similar opinions were expressed and attacks made in both the Houses. illegal refusal of the Commons to accept the duly elected member was a gross interference with the rights of electors. The assumption of the power of election by the House of Commons was utterly illegal. In spite of all attempts of some great statesmen and lawyers to reverse the decision of the Commons, the House continued the opposition till the dissolution of parliament in 1774. Consequently a strong feeling was aroused for Wilkes who was made an Alderman of London. There were riots in London in favour of Wilkes and liberty. The result of the struggle was the birth of English radicalism. In 1769 Horne Tooke founded the society of the supporters of the Bill of Rights. In 1774 in the general election Wilkes was again reelected for the fifth time for Middlesex and took his seat. His incapacity was only limited to the late parliament. His fifth election. He was also elected as the Lord Mayor of London. In 1782 after a number of motions in previous years the motion of 1769 declaring him incapable of election

and all declarations, orders and resolutions respecting the Middlesex election were expunged from the journals of the House as being subversive of the rights of electors. Thus Wilkes' success meant that the rights of parliamentary electors were asserted.

Wilkes also took an active part in securing the freedom of reporting to the printers. The House of Commons was jealous of the secrecy of its proceedings, and reporting,

though tacitly allowed, was regarded as a breach of privilege. In 1771 Thompson, Wheble and six other printers were summoned to the bar of the House of Commons on the complaint of Colonel Onslow that they had unfairly reported and misrepresented his speeches. It was at the instigation of Wilkes that they had published notes of the speeches, with the names of the speakers in several journals. They had misrepresented the debates to suit the views of different parties, the reports were unfair and libellous. They refused to attend. Wheble was brought before Wilkes, who was an Alderman of London, by collusive action and was discharged. Thompson was also discharged. All the six printers were ordered to attend at the bar. Miller, who was one of them and did not attend and whom the Commons attempted to arrest through a messenger, was protected by the City magistrates. The Lord Mayor, Brass Crosby, and the Aldermen, Oliver and Wilkes, discharged Miller and held the messenger to bail. Crosby after having been heard in his place in the House of Commons was imprisoned in the Tower until the end of the session. Alderman Oliver, also a member, was heard in his place and was imprisoned in the Tower. Wilkes who refused to obey the summons except in the capacity of the member of parliament for Middlesex and unless he was heard in his place was left unmolested. The Commons, however, then dropped the struggle and reporting of debates was thenceforth allowed, although technically it continued to be a breach of privilege. May says that 'no circumstance in the

history of our country—not even parliamentary reform has done more for freedom and good government than the unfettered liberty of reporting." The entire people are now present as it were and assist in the deliberation of parliament.

Thus wilkes by his opposition to general warrants protected the liberty of the subject from illegal official

truggle.

Results of Wilkes' interference. He indirectly helped the cause of parliamentary reform by showing that the House of

Commons secure for seven years had got out of sympathy with the electors. Parliament showed a wrong insistence on its privileges and wished to subordinate the rights of action of the ordinary courts to them. He also helped indirectly to promote the power of the press in the matter of reporting of debates and thus to limit the arbitrary power of parliament. There also arose under his influence and that of Horne Tooke the party of Radicals who advocated the rights of the people against the royal prerogative and the privileges of a corrupt House of Commons.

The period from 1760 to 1783 saw the reestablishment of the royal authority over the ministry, but after

1760-1783.

that it was followed by a gradual weakening of the monarchy. The king's success at first was the result

of his power to control parliament by means of bribery, divisions of Whigs, and the influence of public opinion. Its later weakness was the result of the increased importance of the minister partly owing to the American War, partly owing to the spread of French revolutionary ideas, partly to the agitation for parliamentary reform which did much to educate the public opinion in the desire for democracy and partly due to the rise of new classes after the Industrial Revolution and their demand for a share in political power. King's occasional insanity and illness also strengthened the position of the minister.

William Pitt remained prime minister from 1783 to 1801 and again from 1804 to 1806. He had entered parliament in 1781 at the age of 22 as the opponent of Lorth North's American policy. In Pitt's ministry. Shelburne's ministry he held the post of the Chancellor of the Exchequer On the fall of the unnatural coalition of Fox and North he was given by the king the position of the First Lord of the Treasury and the Chancellor of the Exchequer. He was a great orator and had a wonderful power of managing men and the House of Commons. He inspired his followers with absolute confidence in his wisdom. The king trusted him. The Commons followed him and his colleagues loyally cooperated with him. The country supported him. He was an advocate of free trade. He established English finance on a secure and orderly basis. He was reared in the Whig school. He was in favour of parliamentary reform, Catholic emancipation and the abolition of slavery. Yet he would not risk his position as premier for any of these measures when he found that the king was opposed to them, and parliament was not in favour of them. He had brought in a bill for parliamentary reform in 1781, 1782, 1783 and 1785 but after its defeat he did not attempt again to bring a new one nor gave any help to the cause of reform. He did not repeal the Test and Corporation Acts. He sympathised with the emancipation of slaves but never allowed it to become a test question. Under him the English slave trade increased largely. He postponed Catholic emancipation at the desire of George III. The outbreak of the French revolution and the war with France led him to adopt repressive measures. It was really his love of power for its own sake that led him to his half heartedness in the cause of these reforms and made him abandon measures for the sake of remaining in office. He soon deserted the Whig principles and connections. Being raised to power by royal favour he leant towards prerogative and Tory principles of government. He always called himself Whig but he was really the founder of the new Tory party or the Tory Liberals (1794) whose traditions were carried on by Canning and later by Peel. Its principles were Catholic emancipation, opposition to parliamentary reform, commercial reform, peace and non-intervention policy.

The constitutional result of Pitt's rule was the strengthening of ministerial government. Pitt was the

Pitt and ministerial responsibility.

minister of the king and the nation. He defeated the Whig oligarchy which forced unacceptable ministers

on the king. Pitt was the representative of the king and the constitution against the unpopular Fox-North coalition which aimed at dominating the king. He also defeated the king's plan of making ministers solely responsible to himself. Lord North had repudiated the title of the prime minister but Pitt declared that there must be 'an avowed and real minister possessing the chief weight in the council and the principal place in the confidence of the king". The supremacy of the prime minister over the cabinet was recognised because of the king's support and his own ability. Dismissal of Thurlow from the Chancellorship in 1792 made it evident that the king could not keep a minister in power against the will of the premier. Pitt was upright and incorruptible himself. He was the most powerful minister since Walpole and depended for power upon the will of the people. During his tenure of power we find three aspects of the ministerial responsibility fully developed, namely, responsibility to the king as the nominal head of the executive, collective responsibility to one another as the chief members of the executive, and responsibility to the legislature. The wars of American and French revolutions increased the powers of the cabinet ministers who were responsible for the administration of home and foreign affairs.

In 1785 Pitt introduced a bill for parliamentary reform, proposing to disfranchise thirty-five rotten boroughs, to give one million pounds as compensation to owners and to assign their members to counties and London. It was thrown out by the influence of the combined Tory and Whig borough members who

dreaded interference with vested interests and of others who were genuinely afraid of popular representation.

The illness or mental disorder of the king at different times affected the prerogatives of the crown, the rights of the royal family, the duties of the ministers and the authority of parliament. Minority does not incapacitate a king in the eyes of the English law. Consequently there is no provision for his guardianship or the government of the kingdom during his minority. Special arrangements were made on each occasion according to the age and the relationship of the surviving relatives of the minor. They provided for the

Regency arrangements during George III's illness.

care of the minor and the government of the kingdom, and therefore the sanction of the parliament as well as that of the king was neces-

sary to make them legal. In 1752 a Regency Act was passed after the death of Frederick, Prince of Wales, in order to provide for the contingency of George II dying before the next heir had attained the age of 18 years. It provided for a Council of Regency. George III who became ill in 1765 was not desirous of leaving the testamentary disposition of his prerogatives to parlia-

ment which he wanted merely to Year 1765. give formal sanction to his arrangement. His scheme of regency proposed that parliament should recognise his unconditional right of appointing any person as regent whom he wanted. It was however proper that the appointment of a regent should be expressly made by parliament, for, in case the king became suddenly incapable or died he could not appoint any regent during his incapacity or to be the guardian of his successor who might be a minor. The Regency Act of 1765 provided for the appointment by the king of the Queen, the Princess of Wales or a member of the royal family descended from the late king to be the guardian of his successor while under eighteen years of age and the regent of the kingdom and to exercise the royal power and prerogatives. It appointed a council of regency, consisting of the king's brothers and his uncle and several great officers of church and state for the time being. It defined the powers of the Regent and the Regency Council on the demise of his majesty.

The king next fell seriously ill in 1788 and was mentally deranged. Parliament met to deliberate upon the constitutional issues which arose out of this illness. Mr. Fox at first argued that the Prince of Wales had an absolute and inherent right to exercise the powers of sovereignty during the king's incapacity as if the

king were actually dead and that Year 1788. parliament's business was merely to settle the time from which he should begin the exercise of his right. This amounted to a deposition of the king and negatived the constitutional rights of parliament in the government of the country. Mr. Pitt maintained that as no legal provision had been made for carrying on the government, it was parliament's right to provide for it. Mr. Fox then took up the position that the Prince had a legal claim rather than a right to the regency and that parliament should decide that claim. If it was allowed then the Prince would get an absolute title to the exercise of all the rights of sovereignty without any restrictions. Mr. Pitt did not recognise the legal claim but stated that as a matter discretion the Prince should be the regent with all the necessary authority and that any power which was not essential and which might embarass the exercise of the king's authority, in the event of his recovery, ought to be withheld. The Prince of Wales also disclaimed any claim of right or any idea to assume or exercise any power not derived from parliament. Pitt's view, resolutions and restrictions were accepted by parliament. The conditions laid down forbade the Regent to bestow peerages except on members of the royal family, limited his patronage to his majesty's pleasure, gave the queen the charge of the king's person and household and recognised the power of the privy council to pronounce his restoration to health and normal capacity. He thus tried to maintain

the prerogatives of the crown, to respect the feelings and dignity of the queen and to assert the authority of parliament. The king recovered and therefore

there was no regency necessary.

In 1801 and 1804 the king again fell ill but soon recovered, and no regency bill was passed to provide for future illness. His last and permanent mental insanity began in 1810. The procedure and precedent of 1788 was followed and five resolutions were passed by parliament and the Prince accepted the regency in accordance with them. They were firstly, that the Prince of Wales should be empowered as regent of the kingdom to exercise the royal authority, in the name

and on behalf of his majesty, subject Year 1810. to such limitations as shall be provided; secondly, that for a limited time the Regent should not be able to grant any peerage, except for some singular naval or military achievement, nor grant any office in reversion, nor any office otherwise than during pleasure, except such offices as are required by law to be granted for life or during good behaviour; thirdly, that His Majesty's private property not already vested in trustees should be vested in trustees for the benefit of His Majesty; fourthly, that the care of the king's person should be committed to the queen, who for a limited time should have power to appoint and remove members of the royal household; and fifthly that her majesty should have a council with power to examine the king's physicians upon oath from time to time. The parliament of 1811 was opened by virtue of a commission and the Regency Bill was passed by both Houses, and the royal assent was given by a commission.

The French Revolution which started in 1789 had very important effects on the government and public opinion in England. The king and his ministers feared the extension of revolutionary republican theories to England and their policy of destruction. Burke opposed it in his 'Reflections on the French Revolution'

which was published in 1790. He supported Pitt's harsh measures. Fox, with a small following of Whigs, heartily welcomed it and opposed the measures of Pitt. It made Pitt very conservative. He inaugurated repressive measures and laws which interfered with the liberty of the subject. In 1793 the Aliens Act prevented Jacobin agents from coming into England. In 1794 the Habeas Corpus Act was suspended. In 1795 the Treasonable Practices Act extended the crime of treason to speaking and writing, even if no overt act of treason followed, and made it a misdemeanour to bring the king and government into contempt and the Seditious Meetings Act required public meetings of more than fifty persons to be licensed by a magistrates and gave the magistrates the power of dispersing public meetings. Both these acts were however not enforced. Pitt also opposed reform fearing lest it would lead to revolution. He opposed Fox's attempt in 1790 to repeal the Test Act and Corporation Act and Grey's proposals of 1790, 1792, 1793 and 1797 for parliamentary reform. Pitt said that "this is not a time to make hazardous experiments".

The French Revolution however raised the hopes of working classes and middle classes for the attainment of political freedom and made the English Radicals republicans. The Tories began to oppose all change. The union of old Whigs like Portland and Burke with Pitt Whigs in 1794 to form the new Tory party took place after the Reign of Terror in France. Radicals Horne Tooke, Thomas Hardy and others were tried for high treason in 1794 but were acquitted. In 1799 the Combination Act was passed, forbidding all associations of workmen for the purpose of obtaining higher wages or shorter hours of work. In 1800 Pitt brought

about the Union of Ireland and Great Britain.

England's political conquest and control of Ireland

has been tyranny on one side and tragedy on the other.

All the measures of government adopted and the schemes of settlement carried out proved a failure from the point of view

of the contentment and welfare of the Irish. The rule of the English minority in Ireland from the time of Henry II has been largely a foreign rule and a misrule for the native Irish.

Ireland which was culturally and religiously advanced in the early period lost its independence in 1169. The country, however, Ireland, its political at that time was not united either character. by religious forces or by political rulers as in England. It was divided into five provincial kingdoms one of whose sovereigns was chosen the king of Ireland in some general meeting probably of the nobility or smaller chieftains and of the prelates. The monarch of the land got tributes from the inferior kings and held a certain supremacy in the defence of the country. Each king was however independent in ruling his people or in making war on his neighbours. Below the provincial kings were the chieftains of different septs or families in one or two degrees of subordination and in a semifeudal relation to each other and to the crown. There was perpetual warfare amongst these petty chieftains. They used mercenary troops. Till 1169, no king arose to consolidate these provincial kingdoms into one hereditary monarchy.

In the native Irish system which was tribal in character the clans were disunited politically and their chiefs were elected from amongst the ruling families. The land was the common land of the clan. There was little individual ownership. Chiefs had no rights over the common land but only over men. The Irish land system at this time differed from the feudal system in England where land was owned by the lord. To the Irish, political submission or conquest did not mean submission or loss of the common ownership of the clan over the land.

The Irish had also their own Brehon laws, that is, customs interpreted by Brehons or judges who were

attached to each tribe. The Irish clung to them and never thought of renouncing their own authority or old customs in

social, economic and religious matters.

In 1169 some Norman barons landed in Ireland and began to take part in the quarrels of the Irish chieftains. Henry II fearing the establishment of an independent Norman state across St. George's channel went thither himself and obtained a submission from the barons and the Irish chiefs. Henry II's invasion was an act of unprovoked aggression. He was invited traitorously by Dermot, the king of Leinster. After the conquest, the Irish chiefs did homage to him. This did not mean, however, according to Irish law, that the land of

First conquest and first settlement.

ing to Irish law, that the land of the country passed to him. From 1169 to 1315 there was Anglo-

Norman conquest and settlement of the country. It was encouraged by the Bull of Hadrian IV in order to bring the country under Roman supremacy. The Normans introduced their feudal system of land tenure and their own laws and established Anglo-Norman families giving them the lands of the clans which were seized from them and confiscated. This settlement of the country was greatly resented by the Irish. Henry's political settlement was the first settlement of Ireland. He wanted to make Ireland like England, that is, to establish the feudal system of government, the English common law and land tenure in the country. The pledges given to the Irish chiefs were not kept. He divided the country into counties and appointed sheriffs. He gave charters to towns and established royal courts at Dublin. He appointed a Lord Deputy over the whole country helped by a council of judges and officers of state both lay and ecclesiastical. The land was parcelled out on a feudal basis to Englishmen. The whole country was divided amongst ten English families. They were to hold it in a sort of feudal suzereignty giving it to English tenants and driving the Irish away. The

lords of the five seignories or counties palatine were like kings holding courts civil and criminal and carrying on government. The king of England could not and did not help the Irish against the oppressions of these lords. In consequence they suffered enormously. The Irish struggled for their tribal system against the English feudal system and for their Brehon laws against the imposition of English laws.

The English however could not exterminate the Irish as were the Red Indians later in America, nor

The English and the Irish.

drive them into a corner as were the Britons into Wales nor coalesce with them as were the English and

Normans in Briton. The Irish were not strong enough to shake off the English yoke because they were disunited and disorganised under their tribal system of life and law, not were they submissive enough to keep quiet, to become slaves and to allow themselves to be exterminated. Therefore there continued a constant struggle between the conquerors and the conquered. The English colonists were scattered about and could not unite. They also quarrelled with one another, and with the English government which often interfered in their affairs. The Irish adopted guerilla warfare suited to the land to trouble the colonists. The English landlords having become absentee landlords, the English settlers gradually became Irish in names, intermarried with the Irish and forgot to speak English. They employed Irish mercenaries and servants and let out land to Irish tenants because they disliked tilling the earth. Thus they began to mix with the Irish.

Therefore in 1295 a law was passed forbidding the English to wear Irish dress and ordering the barons

Restrictive legislation.

to recover the lands restored to the natives. An Irish parliament was established at that time on the English model but its membership was confined exclusively to the English. Thus the policy of the conquerors was to remain aloof from the conquered, to keep all the privileges of government and citizenship

to themselves and to tyranise over the Irish, to suppress their laws and to take away their lands.

In 1315 there was a rising of the Irish under Donald O'neil of Ulster. It was helped by Edward Bruce, brother of Robert Bruce, king of Scotland, who was offered the Irish crown and who landed in

Ireland. He was however defeated and slain in 1318 and the English rule was maintained in Ireland. From 1315 to 1485 there was a nominal rule of England over Ireland and there was decay of the Anglo-Norman state or colony which was constantly falling away into the Irish barbarism. The Irish won back their lands and lost territories. Edward III attempted to assert the English authority but only the Pale, that is, the land about Dublin was retained. In 1367 he got passed the statute of Kilkenny which forbade English colonists in Ireland from intermarrying with the Irish or from

Statute of Kilkenny, to Irish children, from riding like the Irish, from adopting the Irish

language, dress, games or law and from employing Irish bards or mercenaries. The statute abandoned the scheme of conquering the whole island and aimed only at ordering the ways of the English who were loyal and at preserving them from contamination with the Irish and degenerate Anglo-Normans. The statute led to the increase of race hatred. The English did not show any love of freedom, sense of justice or rule of law in their dealing with the Irish. In 1369 a law was passed against absentee landlords on pain of forfeiture of their estates.

During Richard II's time there were few obedient English earls in the Pale. The original English settlers had become Irish rebels owing to the injustice meted out to them and to their grievances not being redressed. The wild Irish who were the permanent enemies of the English got bold. The government had grown weak. The Irish could not be repelled or suppressed.

The jealousy of the government did not strengthen the power of the earls but it promoted strife between them and the chiefs in order that none should be strong. The chiefs became bold and attacked the English who in self-defence paid blackmail. Richard's expedition to Ireland in 1394 made the Irish chiefs submit nominally and do homage to Richard, but he could not complete the conquest. In 1398 Roger Mortimer, his cousin, who was the Lord Deputy in Ireland was killed in the war against the Irish. Richard II went again there in 1399 but had to return to meet Henry of Lancaster for the contest to the throne. The Pale gradually fell in a wretched condition. It was constantly oppressed and often pillaged. The government was powerless to keep order. The Irish parliament had dwindled into a mere assembly. During the war of the Roses Richard, Duke of York, was popular in Ireland and was supported by the Irish parliament which had asserted its independence.

When Henry VII succeeded to the throne of England the English authority in Ireland was confined

Ireland under the Tudors.

Tudors.

Tudors.

To the four counties of the English Pale. Under the Tudors however English supremacy was again established in Ireland. Henry VII got angry when Yorkists pretenders found favour in Ireland. Earl of Kildare helped them. Therefore Ireland became a source of danger. Consequently in 1494 Poyning's Law or the Statute of Drogheda was passed. It made Irish parlia-

Poyning's Law 1494. ment dependent on the king and English parliament who were to approve its laws. All statutes of England were to be in force there. No acts could be introduced into it without at first having received the approbation of the king's council. The Act destroyed the power of the Yorkist lords in Ireland. It restrained the lawlessness of the Anglo-Irish within the Pale. All private hostilities were declared illegal. This plan however failed. There was a lack of governance and policy both religious and secular.

Geraldines ruled Ireland. The Earl of Kildare however upset Henry VIII because he surrounded himself with Irish lords and assumed wild Henry VIII's measures. manners and intermarried daughters with their race. In 1534 Henry VIII took stern measures with Leinster Geraldines who had revolted when the earl of Kildare was summoned to England and thrown into the Tower. The Earl of Kildare was charged with treason. Consequetly his son 'Silken Thomas' rebelled. But the use of artilley gave success to the English. Silken Thomas was captured, put into the Tower and hanged. The king's deputies continued to rule with strong hands. In 1536 the Lord Deputy forced the Reformation on Ireland by passing the Act of Supremacy. Appeals to Rome were forbidden, first fruits were allotted to the king and abbeys were suppressed. The earl of Kildare died in 1537. The revolt of the Geraldines was put down and their lands were forfeited to the king. In 1541 the Irish chiefs submitted to Henry who took the titles of the 'king of Ireland' instead of the old title of the 'lord of Ireland' and the 'Head of the Irish church'. The English system of land tenure, the English speech and customs were introduced into Ireland. The breach of the Irish church with Rome was however not a national movement as in England. Ireland continued to be Roman Catholic though the state church was Protestant. The evil effects of the introduction of the Reformation in Ireland were that monasteries which were valuable as centres of culture and popular religion were abolished, all the forfeited lands became the property of the crown, and no new schools or universities were founded to take their place Under Edward VI the English Bible and Prayer-book in a foreign language were imposed but outside the Pale the Irish language was spoken every where in Ireland. Thus a new element of religious animosity was introduced and therefore the Irish continued causing troubles. Mary reversed the Reformation settlement and restored tranquillity in ecclesiastical matters Under her Gerald Fitzgerald was restored to his earldom of Kildare.

Elizabeth's reign was full of risings and rebellions such as the those of Shan O'neil in Ulster during 1579-1567, Desmond in Munster during Elizabeth's measures. 1579-1582. Burkes in Connaught in 1577 and Hugh O'neil, the earl of Tyrone, in Ulster during 1595-1603. They were all severely suppressed. In 1560 the Irish parliament was manipulated and the Acts of Supremacy and Uniformity were enacted in the same words as in England against the wishes and beliefs of the people who were Roman Catholics. Protestantism was the religion of a foreign government. The people were not won over to it. They were compelled to obey by the use of penal laws and sword. The forcible dispossession of the Catholic clergy aggravated the rebellious spirit of the Irish. Thus the church was discontented, the chiefs were rebellious and the government was tyrannous. The condition of the country consequently became wretched. The old English of the Pale were little more disposed to embrace the reformed religion or to acknowledge the despotic principles of the Tudor administration than the Irish themselves. Consequently a strong country party of Irish patriots developed amongst those who opposed the crown and its despotism and interference by way of statutes and taxes. The English authorities advocated the prerogative rights of legislation and taxation. In 1569 an Act was passed dividing all Ireland into shires. This virtually did among with the Brehon law and deprived the chiefs of their ancient privileges. The land was planned out in the English fashion and settled with English settlers who were bitterly opposed by the Irish.

The troubles in Ireland were increased by Jesuit emissaries. They advocated the papal cause and Spanish interference. The Pope's Bull of Excommunication in 1570 had a disastrous effect on Ireland. The English government took stern measures against the Irish who were suspected of disloyalty and enmity.

The Anglicising policy was fully adopted. To exterminate the native Irish and to replace them by new English settlers became the course of action. Attempts made to plant colonies of Englishmen and Protestants in the North in 1572 add 1573 however did not succeed in spite of massacres and murders. Thus to the hatred of the Irish for the English was now added the hatred of the Catholic for the Protestant, and the despairing rage of the landowner about to be despoiled. The agrarian grievance was old, the religious grievance was new. Both these continued as the causes of discontent, revolt and hatred against the English rulers, their ways of government and their repression. In 1586 the plantation of Munster took place. The confiscated lands of Munster after the suppression of Desmond's rebellion were given for colonisation to the English.

Second or Elizabethan conquest of Ireland. This also failed. The suppression of Earl of Tyrone's rebellion (1595-1603) meant the Second or Elizabethan conquest of Ireland. Her

new policy of confiscation of estates and establishment of plantations followed from 1573 was rigorously adopted in the vanquished land. The Irish were to be exterminated or held down permanently and their lands confiscated and given over to English planters and colonisers who went there as conquerors and exploiters of Ireland. Lord Mountjoy who was Lord Deputy from 1600 made Ireland a desert by his conquest. Many Irish consequently perished for want of food. Pestilence, famine and plague carried away thousands.

Under James I it was decided to break the spirit and tame the pride of the Irish. Ireland was to be

Second settlement to be destroyed. Hence the Brehon laws were abolished. The Irish

tongue and customs were made to go. Recusancy laws were enforced against the Irish Catholics. The English law was established through the country. The English system of counties, sheriffs, assize courts and feudal tenures was introduced every where. The king's

writ was made to run throughout the land. The court of Castle Chamber was instituted to try the cases of Roman Catholic recusants. In 1607 this policy led to the plantation of Ulster in which the confiscated lands were given to the English and the Scotch protestants who got settled on it. The Irish were driven out, though they resisted. However ultimately only a few remained as tenants. Ulster plantation was a success. During 1612-1624 the plantation of Leinster was made and the Irish were driven out. Thus only the province of Connaught remained unplanted. The Irish suffered enormously in political, religious and economic matters. Ireland was not now merely a conquered country or a mere colony of the English. It became a subordinate kingdom inseparable from the English crown and dependent on the English legislature and governed by the same laws. The representation in the Irish parliament was increased by the addition of burgesses from towns which were enfranchised. But two-thirds of its elections were controlled by the landed aristocracy.

On the accession of Charles I the Irish subjects petitioned him for the relief of their grievances both civil and religious in 1626. They The Irish ask for asked from him certain 'graces' over fifty in number. The most important of them were that sixty years' possession of land should ensure the owner against resumption by the crown, that the lords, gentlemen and freeholders of Connaught and Clare should be admitted to enrol the surrenders made in the last reign and should be confirmed in their estates, that an act should be passed for a general pardon, that certain grievous monopolies should be revoked or limited, that the soldiers should be restrained from oppression in levying taxes, that the Castle Chamber should be restricted in its jurisdiction, that certain gross abuses in the church should be reformed, that Roman Catholic lawyers and others should be dispensed from taking the oath of Supremacy and should be allowed to take a new oath of allegiance



the wording of which would not offend their consciences. In return for these 'graces' the Irish agreed to pay £12,000 to the king who gladly accepted the proposals. He received more than one-third of the amount but did not fulfil his part of granting the graces.

In 1633 Wentworth went to Ireland as Lord Deputy. He acted very despotically. He did not believe in parliamentary institutions. Wentworth Scourage. He thought that the absolutism of the few was more conducive to order. He trained up and organised an Irish army implicitly obeying him and the king. In 1634 he called two Irish parliaments, The first or the king's parliament was carefully packed and handled. By playing off Protestants against Catholics he succeeded in getting liberal supplies. The second or the people's parliament met on the 4th November. It was obsequious. He explained away the matter of graces. He denied the request of the Commons for the limitation of the king's title to sixty years backwards and the confirmation of the land-owners of Connaught in their estates. He laboured in all ways to bring the kingdom of Ireland to a conformity in worship, doctrine and discipline with the church of England. A High Commission Court was established to punish ecclesiastical offences. The same ecclesiastical policy as in England and Scotland was followed in Ireland. He continued confiscating more lands and taking more money for the king from the Connaught land-owners and claimed the whole province for the crown. He remodelled and improved the discipline of the Irish army and encouraged Irish trade. In 1640 he was created Lord Lieutenant of Ireland. But troubles in England soon put an end to his rule.

The civil war in England encouraged the Irish to revolt in 1641 because they had suffered from persecution in religion and spoliation in land. In that year an act was passed which doomed the Roman Catholic religion to extinction. The whole country

rose in rebellion. It was a war of religion at Ulster at first, and later over all Ireland. It continued for ten years till 1651. There were many massacres and murders on both sides. The Irish resistance was for racial and for Catholic causes, and not for republican or royalist causes. In order to put down the Irish rebellion Cromwell who was appointed governor and commander-in-chief landed in Ireland in 1649. His intentions were to crush the Royalists, to avenge the massacre of 1641, to subdue the native Irish and to assert the Protestant religion and the English supremacy. He very sternly put down all resistance. The conquest was completed by Ireton and Ludlow. Great

Third conquest of Ireland by Cromwell.

Massacres were committed. Fire, sword and starvation did their work. Over 600,000 men, women and children perished. Corn and cattle were destroyed. When peace was made in 1652 Ireland became exhausted and helpless. The land lay waste and was ravaged by wolves. This was the third terrible conquest of Ireland. It was followed by the Cromwellian settlement. In 1653 Ireland was declared to be the property of the English soldiers and adventurers and the Irish were

Cromwellian Settle- ordered to migrate to Connaught beyond the Shannon from the three

Leinster. On every one of the Irish left east of the Shannon after May 1654 was pronounced a sentence of death. Connaught was very bleak and barren. It was suitable for banishment and isolation, being almost an island surrounded by the sea and the Shannon river. The Irish were hounded out by the hirelings of government and the English thirsting for their land. Then the three emptied provinces were planted with English settlers. The capitalist adventurers who had fought and helped in the conquest were paid off in Irish land. The government kept for its own purposes four counties of Dublin, Kildare, Carlow and Cork, and also all towns and all church lands. The rest of Ireland was given to the officers and soldiers of the army. Thus

the Irish were driven out bodily from their homes and their land was laid waste and planted with the English. The plan was to keep Connaught as an Irish state, the Pale as an English state and to plant the rest of Ireland with settlers who should keep as labourers certain Irish authorised to remain. These Irish were to be Anglicised. They were to speak the English language, to copy the English manners, to conform to the English Protestant worship, to leave the Irish names and to build chimneys like the English.

These strict ordinances failed. The Cromwellian settlement left Ireland desolate. Five-sixths of the

population perished or went over seas. The wretched ones who re-Its results. mained were preyed upon by wolves. Those in whom any spirit was left fled out into the wilds and became Tories or bandits and outlaws. The desolate land was ravaged by three beasts—the wolf, the priest and the Tory—as they were called by loyal settlers. The Roman Catholic religion though strictly prohibited by law however grew and flourished and persecution only strengthened its powers. The dispossessed and exasperated Irish fled beyond the reach of the law and formed secret and murderous bands which became an abiding terror to the planters. The English settlers gradually fell under the Irish spell and influence. Still the English influence increased in Ireland Cromwell's political settlement of Ireland abolished the Irish parliament. Ireland was made to return thirty members to the English parliament. Papists were not allowed to hold office, and opponents of parliamentary party were severly punished. Cromwell's policy ruined the Roman Catholic nobles, degraded the peasantry which remained in their homes and became the servants of the new colonists, and failed to establish English supremacy and to make Ireland Irish, because the Irish population in spite of emigration soon greatly outnumbered the English.

When Charles II came to the throne in 1660 the dispossessed Irish petitioned the king to give them

back their lands. But he did not unsettle the Crom-Restoration settle- wellian settlement of land and

passed the Act of settlement in 1661.

Protestant landlords retained two-

thirds of the land. In the country a new race of Anglo-Irish conquerors arose. They did not indentify themselves with the Irish peasantry. The barrier of religion, civilisation, racial pride and self-interest kept them apart. The English and Scottish settlers created a new "English interest" in Ireland which opposed all the demands and national movements of the Irish. The events of 1689 proved the effectiveness of the Ulster colony in checking Irish rebellions and frustrating their attempts at independence.

James II determined to undo the Cromwellian and restoration settlement in Ireland, to restore the native

landlords and to favour the Irish James Il and Ireland. Roman Catholics at the expense of the English Protestants. He got replaced Protestant officers by Roman Catholics and enlisted 2,000 Catholic soldiers in the Irish army. The Protestant nobility was thus alienated. Three Catholic peers were appointed to high offices of state. The Earl of Tyrconnel was made Lord-Lieutenant of Ireland. But the revolution destroyed his scheme. Ulster proclaimed William king of Ireland and held it for him. The Revolution led to a war of race and religion in Ireland. The Roman Catholics held most of the important offices, had a majority on the town councils and through the sheriffs controlled the nomination of juries. The Roman Catholic Irish led by Tyrconnel supported James. The Protestant English and Scotch colonists supported William. Louis XIV supported an Irish rising.

James II landed in Ireland in 1689 to regain the English throne. He was accompanied by 8,000 French soldiers. The Catholics met him with enthusiasm and loyalty. An Irish parliament in Dublin of Catho-

made by the Act of Settlement of 1661 to English

settlers, established Catholicism, proscribed the Protestant religion and condemned 2,500 Protestants to death for treason. The whole country submitted except Enniskillen and Londonderry in which many Protestants took refuge. William however landed in Ireland in 1690 and defeated James at the battle of Boyne. Dublin at once submitted and James fled to France and thus ruined his cause. Ireland was subjugated by 1691 and by the Treaty of Limerick Roman Catholics were given privileges enjoyed under Charles II. William's was the fourth conquest of Ireland. He did not give them civil rights. The new regime was very tyrannical, under it severe penal laws were passed against the Catholics which are known as the Penal Code. In 1696 an Act of the English Parliament required from

The Penal Code and Irish Parliament the Oaths of Allegiance and Abjuration and a

Declaration against Transubstantiation. This Act virtually expelled the Catholics from parliament. The same requisition was imposed on every person holding office, esclesiastical, civil or military. Thus they were deprived of all posts in public service. Then the new Irish Parliament in which Catholics were not represented passed a number of severe penal laws from 1698 to 1733 which forbade Catholics sending their children to any schools other than those of Protestants, and carrying or possessing arms, compelled all priests, monks, Jesuits and regular clergy to leave Ireland, prevented intermarriages of Catholics and Protestants, forbade them entering learned professions, acting as guardians of minors and sons, purchasing or holding a mortgage on land, voting at elections without taking oaths, and holding pilgrimages. In 1733 all Catholics were disfranchised both as regards parliamentary and municipal elections. These laws succeeded in driving out of Ireland the flower of the country. But they failed to turn from their religion the mass of the peasants who clung to their lands and to their religion. According to Swift the Catholics became the hewers

of wood and drawers of water to their conquerors. Ireland was so utterly crushed that the Jacobite risings of 1715 and 1745 found no support there.

The Protestant colonists were also reduced to poverty and finally driven out by the laws destroying their

The Commercial Legislation and its results. trade. The English commercial jealousy led to restrictive commercial legislation. It prohibited the import of Irish cattle and dairy pro-

duce into England. It prevented all trade with colonies. Irish wool and manufactured cloth were not allowed to be exported to any country whatever. Thus the defeated and depopulated country had to suffer oppression directed against the religion of the majority and against the commerce and material prosperity of all. The only trade allowed to Ireland was linen manufacture. Thus the Irish came to realise that all their evils came from dependence on England. All the best people, old Catholic Irish and new Protestant English, were driven away in despair by the laws which made it penal to exercise the Catholic religion and to engage in almost any business. Those who remained clung with desperate devotion to Catholicism and lived in constant opposition to and evasion of the law. They longed for an opportunity to shake off English control and dependence on English parliament.

In 1719 a dispute arose between the two Houses of Lords, Irish and English. Each asserted its right to act as a court which could correct the errors of the Irish court of law. Therefore a Declaratory Act was passed by the English parliament to the effect that the English parliament had full power to make laws to bind the people of Ireland and that the Irish House of Lords has no power to reverse or affirm the judgments of the Irish courts. It definitely subordinated the Irish to the English parliament, and the Poynings' Act was so interpreted that parliament had little more than the power of accepting and rejecting the proposals of the crown.

The Irish economic misery continued during the eighteenth century owing to the destruction of trade, bad harvests and severe winters, and the eighteenth century. bers owing to cold, fever and famine. The bulk of the people were not even regularly lodged, clothed or fed. The majority of the ruling classes were absentees. The people also suffered under the oppression of tithes—a tenth of all—which they were obliged to pay for the support of the alien clergy.

In 1723 there developed a great agitation in Ireland against Wood's half-pence, Ireland did not possess a mint. The privilege of coining half-Agitation against pences and farthings was granted Wood's half-pence. to the Duchess of Kendal. The Duchess transferred the patent to one Mr. Wood who issued very base coinage. The manner of issuing the patent was considered an infringement of the rights of the Irish nation. It was granted by the English government to a private person, and the Lord-lieutenant, the Privy Council and the Lords and Commons of Ireland were ignored. It was a grievance resented by all Irishmen. Great agitation was carried on in the country. Dean Swift's Drapier Letters condemned the patent and half-pence and the dependency of the Irish parliament. They preached that "government without the consent of the governed is the very definition of slavery." The English government was forced to withdraw the patent. A demand was made of the sole right of the Irish parliament to legislate for Ireland, and of limiting its duration.

In the latter half of the eighteenth century a party of the 'Patriots' arose in the Irish parliament.

Their aim was to govern Ireland through her own parliament and to stop jobbery and corruption in it. The great majority of the seats were in the hands of a few powerful men, known as the "Undertakers" who undertook to lead

Irish affairs in English interests, and in return were masters of most of the patronage of the crown. The Patriots exposed the wrongs of the country and asserted its claim to equality.

The called the 'Whiteboys' in 1769 who threw down the fences of the commons which were lately enclosed and who spread throughout the length and breadth of the land, plundering and destroying in order to redress the wrongs of the Irish. After five years of their activities they were put down with the help of stringent Coercion Acts. There were also other bodies known as the Oakboys (1762) and the Steelboys (1768) who committed deeds of destruction and violence because they suffered from a number of economic grievances.

Thus the condition of Ireland in eighteenth century was very bad. The Roman Catholics who were the great majority of the population were allowed no share in the government. The non-conformists also suffered great disabilities. The whole government of the country was in the hands of the Episcopalian aristocracy who controlled the Lower House of Parliament and were members of the Upper House. It was this Protestant body which strongly resented the dependence of the Irish parliament on that of Great Britain. Ireland was administered by 'a caste formed by a religious minority' who compelled the Catholics to pay tithes to the Protestant Episcopal church. The peasants were largely interested in economic welfare. They suffered greatly, especially in the south and west, owing to exhorbitant rents and absentee landlords. They were very poor and gravely discontented. The Irish trade was restricted for the benefit of the English. The export of the Irish cattle to England was forbidden. Thus Ireland contained "a corrupt aristocracy, a ferocious commonality, a distracted government, a divided people", The Irish were now prepared to

agitate for reforms and to resist if they were not granted.

Historian May summaries the condition of government and liberty in Ireland in very appropriate

Ireland at the time of George III's accession.

terms. "In that country, the English laws and constitution had been established as if in mockery.

For ages its people were ruled by a conquering and privileged race as aliens and outlaws. Their lands were wrested from them, their rights trampled under foot, their blood and their religion proscribed". Before the accession of George III the Irish were governed by a parliament from which was ex-

Irish Parliament, its dependence, closeness and corruption. of Lords consisted of Protestant nobles and prelates. They were owners of boroughs, patrons of

corporations, masters of the representation and in close alliance with the Castle. Five-sixths of the people were denied representation in the House of Commons on account of their Catholic religion. The nomination boroughs were largely created by the crown. In towns the members were returned by patrons or close corporations and in counties by great landlords. A comparatively small number of patrons returned a majority, and they joined together and dictated terms to the government. They were called "Parliamentary undertakers". They enjoyed political power and received titles, offices, pensions for themselves, their relatives and dependents. Thus self-interest and corruption prevailed in the parliamentary government. This corrupt and submissive parliament had no time-limit of duration. It expired on the demise of the crown. The executive was in the hands of the Lord-lieutenant and a cabinet which was composed of men of the dominant faction which cared for its own power and interests. There was monopoly of power and office by the Protestants. No Catholic was allowed to practise law or to serve on the jury. The administration of justice was also in the hands of the Protestants. The bar, the bench, the

army, the senate, and the magistracy were denied to

Catholics. The Test Act went against them.

The Irish parliament was not an independent legislature. Its powers of legislation and taxation were restricted. By one of the Poynings'

Supremacy of English parliament. Acts (1494) the Irish parliament was not summoned until the acts it was

called upon to pass had been already approved and certified under the great seal in England. It could discuss or reject them but not amend them. Parliament could say "aye" or "no" to the edicts of the crown, but it could not originate any bill itself. Money bills also were sent to the Commons in the same way. The Irish parliament however prepared heads of bills and submitted them to the privy council in Ireland who then transmitted them to the king or withheld them. If approved by the crown with or without amendments they were returned to the House in which they had been first brought. There they were read three times but could not be amended. Thus the Irish legislature was dependent on the crown. The English parliament asserted its supremacy and exercised the right of passing laws to bind the people and kingdom of Ireland.

We have also seen that Ireland was subordinated to English interests by commercial restrictions which

triction.

were injurious both to her pride and prosperity. The exports of her produce and manufactures to Eng-

land were prohibited and no direct trade was allowed with foreign countries and English possessions, and a monopoly to English commerce and manufactures was created by every device of protective and prohibitory duties. The Irish country was economically ruined.

The points of reform which the Patriots pressed were the immovability of judges, Habeas Corpus Act,

Reforms.

Agitation and restriction of pensions and limitation of duration of parliament.

One of the first improvements in the

administration of Ireland was a more constant residence of the Lord-lieutenant. This mitigated the misrule

AR SINGH CO

of the three lords justices who used to govern the country absolutely in his absence. But his exclusive cabinet of the dominant party was still there to advise him. In 1768 an Octennial Act was passed which limited the duration of Irish parliament and a new parliament was elected. There arose a quarrel in this parliament in 1769 over the claim to originate money bills between the Lord-lieutenant and the Commons. It continued till it was dissolved in 1776.

In the meanwhile the American struggle against taxation without representation and trade restriction and

Some Concessions to Irish merchants and Catholics.

their war of Independence helped the cause of Irish reform. The Irish longed for a free parliament and a free trade. The economic condi-

tion of the country had not improved owing to prohibitions and restraints on her commerce and industry by selfish English interests. The agriculture was ruined by absentee landlords, and negligent and unskilful tenants or serfs. The government was corrupt and selfish. The English government realised the dangers of a discontented and turbulent people to the state. This led to a partial removal of commercial restrictions in 1778 and 1779, but freedom of commerce was not given. This led to the formations of associations for the exclusion of British commodities and the encouragement of native manufactures.

Some concessions were made to the Irish Catholics who were allowed to be recruited for the army. Restrictions about cultivating, holding or owning land which had been placed on them were tried to be removed. In 1774 an Act was passed to enable Catholics to swear allegiance before a justice of the peace. They had also become eager for enfranchisement. In 1759 a Catholic Association had been formed to watch the interests of Catholics in every possible way. The Protestant Patriots were also prepared to grant toleration and franchise to them as they now were seeking to free their country. In 1778 an Act

was passed which enabled Catholics to hold and inherit land and which abolished the hateful system by which children were induced to change their religion

in order to despoil their parents.

In 1779 the French War encouraged the formation of bodies of 'Protestant volunteers' for the defence of their country. Their government had no money and army. Their formation strengthened the position of the Protestant aristscracy. It was promoted by the Patriots of the country party and it adopted their political ideas. Their various bodies got united when the regular army was sent to fight in America and the

Formation of

coasts of the country were threatened by the enemy. The governvolunteers. ment in its need relied upon them and summoned the people to arm themselves and helped them with arms. There was however no control on them. Volunteers who numbered 42,000 chose their own officers from the country party and sided with the people against the government. They asked for free trade and legislative independence. These armed associations were independent both of civil and military authority of government. In 1780 Grattan moved for the first time the Irish Declaration of Independence. In 1782 delegates from all the volunteers in Ulster met at Dungannon "to root out corruption and court influence from the legislative body" and "to deliberate on the present alarming situation of

The convention of Dungannon.

public affairs." This convention declared almost unanimously the right of Ireland to legislative and judicial independence and to free trade. Grattan's motion to this effect in the Irish House of Commons for a second time was however defeated. But a change soon came. The Irish parliament unanimously claimed for itself the sole authority to make laws for Ireland and the repeal of the permanent Mutiny Act of 1780. Grattan and his party stood for the removal of (1) the fetters on the legislative independence of the Irish parliament, (2) the perpetual Mutiny Act of 1780 which placed the

army beyond the control of the Irish parliament, (3) the right of final judicature vested in the House of Lords, (4) the economic disabilities of Irish trade, commerce and agriculture, (5) the religious disabilities imposed on the Roman Catholics and Protestant dissenters. The harshness of religious disabilities had been removed by the Relief Acts of 1778 and 1782. The Irish trade was freed in 1779 and 1780 from the severe restrictions imposed in the reign of Charles II and William III.

In 1782 Grattan moved for the third time the Irish declaration of Independence and carried a unanimous address in the Irish parlia-Independence of ment which was communicated to lrish parliament. the British House of Commons. Rockingham's Whig ministry carried two resolutions granting the Irish demands. The king favoured their grant. A series of Irish Acts and a Declaratory Act removed the restrictions on the legislative independence of the Irish parliament. A Renunciation Act was also passed to complete the independence. These acts established the independence of the Irish judges, the parliamentary control of the Irish army, the final appellate jurisdiction of the House of Lords the extinction of the power of the Privy Council to originate, suppress, or alter Irish Bills and the renunciation of the power of the British Parliament to legislate for Ireland independently of the Irish parliament.

The volunteers were not satisfied with gaining of legislative and judicial independence. They demanded parliamentary reform. They agitated for it. They met armed in a national convention. They prepared a reform bill but did not include Catholic emancipation in it. The patriots and volunteers had as yet no intention of sharing civil or political power with the Catholics. Mr. Flood introduced this reform bill in the Irish House of Commons for the more equal representation of the people. It was rejected by a large majority. He

renewed his efforts but did not succeed. Grattan and others also failed in their efforts for reform, and a close oligarchy and a corrupt parliament remained in full possession of its power.

The Irish parliament however could not act independently in questions relating to both the countries.

Causes of differences and quarrels between the two countries. Consequently the regulation of her commerce was beyond the power of the Irish legislature. It could only be done by both the parliaments

be done by both the parliaments co-operating together. Ireland had gained the right of trading with foreign countries but not with England and America. In 1785 Mr. Pitt wanted to give liberal concessions to Ireland in matters of free trade but was unable to overcome the extreme jealousy and selfish interests of English traders and farmers and the prejudices and faction of his opponents. He could not get them fully passed in the English House of Commons, though they were accepted in their complete form in the Irish parliament but rejected in their mutilated form. This showed to the Irish the English jealousy and injustice and their complete dependence on them. Thus two independent parliaments could not be harmonised because their interests clashed. In the controversy over the Regency question in 1789 a difference arose between the two parliaments. The Irish parliament supported Fox's views which was to make the Prince of Wales Regent with kingly powers. Pitt's view was to grant him limited powers. Thus these incidents showed that there would be two different policies regarding the same matter followed by the two independent parliaments. This led in the mind of English statesmen to the idea and necessity of bringing about a complete parliamentary union between the two countries.

In 1792 and 1793 Pitt adopted a policy of conciliation and made further concessions to the Irish.

The catholics were admitted to the elective franchise and to civil and military offices. The Irish pension list was limited.

A fixed civil list was settled upon the crown in place of its hereditary revenues and a large number of placemen and pensioners were excluded from the House of Commons. They were however not yielded willingly by the Irish cabinet.

In 1791 a society of the "United Irishmen" which included both Protestants and Catholics came into

The 'United Irishmen.'

existence. They sought "a complete reform of the legislature founded on the principles of civil political

on the principles of civil, political and religious liberty." They were for both parliamentary reform and Catholic emancipation. They contained largely Protestants of the north. Fitzgerald and Wolfe Tone were their leaders. They became quite powerful. Motions for reform on the basis of religious equality were submitted to the legislature but were not accepted. This society was greatly affected by the French Revolution. The opposition of the government to reform awakened the Catholics throughout the land. Wolfe Tone raised them to a sense of their wrongs and their rights and urged them to demand justice. Earl of Clare, a minister of government, wanted to keep alive the Irish religious feuds. Therefore when the Catholics decided to meet in a convention composed of representatives from all parts of Ireland at Dublin, he stirred up a great opposition against the emancipation of the Catholics. He roused the Protestants' wrath. The Catholic convention met in 1792. It petitioned the king for the complete enfranchisement of the Catholics. The king promised to recommend the Catholic cause to the Irish parliament. In 1793 Acts were passed enabling Catholics to vote at elections by giving a vote to all 40 s. freeholders, but not allowing them to sit in parliament, and admitting them to civil and military offices. In 1794 the king declared himself against Catholic emancipation, and in spite of Pitt's direction to the new Lord Lieutenant, Lord Fitzwilliam, 'the messenger of peace from England' to yield the measure if pressed, he had to withdraw it. Grattan failed to get it passed

constitutionally. It only raised the hopes of the Catholics and the fears of the Protestants. His failure greatly aggravated the discontent.

Religious feuds between the Protestants and Catholics which had been dormant after the Union of

Orange Societies.

Protestants and Catholics in the volunteer forces again revived. There grew up Orange Societies or Lodges amongst the Protestants of the north. The aim of the Orangemen was to drive all Catholics from Ulster. They began to evict Catholic tenants and servants. Great atrocities were committed. Law and order could not be kept in Ulster even with the help of troops. The Catholic defenders of the West retaliated with outrages and murders. There also ordinary law could not restore or keep order. The government officers and military adopted severe lawless measures and carried them out mercilessly. An Indemnity Act legalised these actions. In 1796 a Coercion Act of great severity

was passed in order to put down Coercion Act. this disturbed condition, these outrages and murders. This Coercion Act thrust the evil underground but the evil remained. With the loss of all hope in a constitutional redress of grievances, the counsels of the extreme party prevailed. The society of United Irishmen was adjudged a seditious body and was suppressed by the government. It became a secret body. Its aim at first had been to obtain parliamentary reform and as a means to that end it asked for catholic emancipation. Its aim as a secret body became separation from England and formation of an Irish republic. This could only be done by foreign aid. Hence Tone went to America and from there to France to get this aid. His efforts were successful. In 1796 a French fleet under Hoche sailed to invade Ireland but was prevented from landing owing to a storm. A number

Failure of French of ships were destroyed and the remaining fleet had to sail back.

In sheer despair the United Irishmen determined to attempt an unaided rising on 23rd

May 1798. It was planned to seize the capital, the Viceroy and Privy Council. These plans were known to the government through spies and informers. Lord. Edward Fitzgerald and other Rebellion of 1798. leaders of the conspiracy were arrested. Martial law was proclaimed in Dublin and a strong military police preserved order. Local risings proved abortive. Great atrocities were practised by cruel and demoralised soldiers and especially by Orange soldiers. This led to a Catholic rebellion in Wexford. The leaders of the rebellion of 1798 were Protestants. The Catholic gentry and priesthood had avoided French revolutionary contact. They had no republican sympathies. But they deplored the sufferings of the Catholic peasantry. The Protestants however denounced all the Catholics as Its supression. rebels. The rebellion was severely suppressed. The governing Protestant party was 'blinded by their passions and prejudices'. Lord Cornawallis who was the civil and military head of Ireland sternly punished the leaders of the rebellion but was lenient to the peasants. He tried to be just and temperate. He issued a proclamation "promising protection to all insurgents guilty of rebellion only, who should surrender their arms and take the oath of Allegiance". He carried an Amnesty Bill and enforced strict discipline on the army. He got convinced that the policy and prejudices of the Protestant party aggravated the political evils of the country. He saw that Catholic emancipation and the union of parliaments of England and Ireland were necessary for a settlement of the Necessity of Union country and for the removal of the and Catholic emancipation. danger of interference from France.

The old system of government dominated by the bigoted jury of Irish protestants could not give justice, promote conciliation and bestow concessions. The internal divisions and quarrels of the Irish people and the danger from without made Irish administration and independence impossible. It could not be allowed

to remain separate and independent. Catholic emancipation was also necessary to remove Catholic discontent. The Union was necessary to stop the injustice and corruption of the Protestant Irish parliament, and, if Catholic emancipation were to be achieved, to prevent the supremacy and tyranny of the Catholic majority in an independent Irish parliament. Pitt was convinced of the necessity of this Union.

The ruling Irish party was not prepared to lose the legislative independence of Ireland which was just

recently acquired in 1782, Ireland, The Union. her distinct nationality, and the vested interests, their power and patronage. The English parliament agreed to the measure of Union. The Irish parliament however threw it out in the session of 1799. But by adopting a systematic policy of bribery and compensation, votes of vested interests were won over. A million and a half of money and promises of peerages, honours, titles and places won over a bare majority in the Irish House of Commons for the measure. Lord Cornwallis and Lord Castlereagh had to employ these methods. The Catholics were won over by a promise of an act for their emancipation after the Union had taken place. They expected provision for Catholic clergy and a revision of titles. In May, 1800 the Irish parliament passed the Act of Union and decreed its own destruction. Grattan in a splendid speech opposed it but in vain. May says "A great end was compassed by means the most base and shameless". But no other means were possible. A few patriots continued to protest against the sale of the liberties and free constitution of Ireland. The Act of the Union which was passed by both parliaments enacted that the Irish parliament should cease to exist, and that Ireland should be represented in the British parliament by one hundred members in the House of Commons and by four spiritual lords sitting by rotation of sessions and twenty-eight temporal lords elected for life by the Irish peerage. It was further provided that the established churches of Great Britain and Ireland should be united

and preserved for ever and that free trade should exist between England and Ireland.

Pitt however was not able to carry out his whole scheme. He wished to bring a measure for Roman Catholic emancipation but his liberal and enlightened policy could not be carried out owing to the opposition of George III who considered such a measure contrary to his coronation oath. Pitt therefore resigned in 1801, and promised the king not to bring forward the question again. The result was that the Catholics were not admitted to a share in political power, no provision was made for their clergy and their grievances of the unjust tithe system remained unredressed. Narrow Tory principles governed Ireland. The close Protestant ascendancy as of old continued. Catholics were ruled by Orangemen. Repression and coercion did not end. Political liberties and equality were not extended to the Roman Catholics.

Pitt's fall was due to the personal will of the king who had become somewhat estranged from him because of his independent spirit and liberal ideas. The king was tenacious of his authority and wanted to exercise his kingly power. He therefore chose Addington as his minister in whom he had confidence just as in Lord North before. Addington was of an amiable character and showed respect and attention due to the king. He shared the king's feelings and opinions and followed his Addington's ministry. advice on every occasion. He did not possess a dominating intellect like that of Pitt and therefore was agreeable to the king. His ministry contained men of mediocre ability and influence and therefore was termed the "Ministry of no Talents." It continued to hold office from 1801 to 1804 with the support of the king. It had not much popular support. It stood the joint opposition of Pitt and Fox during that period. But Addington had to resign owing to the embarrassments of the office and its duties.

Pitt was called again and his ministry lasted from 1804 to 1806. The king would not allow Fox to enter the ministry. Addington, who was the leader of the 'King Friends', became Lord Sidmouth and was taken in the ministry in 1805 as Lord President because of his influence. The king wanted him. Pitt evaded the raising of the Catholic question. He died in 1806.

Then came the ministry of Grenville. It was called the ministry of "All the Talents." It included Fox, Lord Sidmouth and others. Fox Grenville's ministry. died in 1806. The ministry passed an Act for the abolition of the Slave Trade. Differences however arose between it and the king on the question Third struggle of the king would not allow the ministry king. to interfere with his sole and immediate control. Lord Grenville refused to agree to this principle which he considered to be entirely unconstitutional. The ministry tried to remove some of the disqualifications of officers in the army and navy who were Roman Catholics and Dissenters by introducing the Army and Navy Service Bill in 1807. The Bill was however withdrawn because the king's religious scruples were against it. The king's courtiers and the king's friends intrigued against the ministry by trying to influence the king. The king was not favourably inclined towards it. He interfered irregularly with the freedom of parliamentary deliberations by making statements against its measures. He wanted a written declaration from his ministers that they would never propose to him any further concessions to the Catholics nor offer him advice on the subject. The ministers refused to give the pledge because it was unconstitutional. They held themselves responsible for all public measures and for the good government of the country. They said "No act of state or government can be the king's. He cannot act but by advice". Therefore they were dismissed.

The king appointed a new ministry under the Duke of Portland and Mr. Percival in 1807, and stated that "he must be the Protestant Portland's ministry. king of a Protestant country or no king". In his opinion it was 'a struggle for his throne'. On this question he had made Pitt resign and yield and also Lord Grenville by means of his prerogative power which he exercised to maintain the obligations of his coronation oath. The king's will prevailed and was not again called in question. He was supported by his friends in both the Houses. His new Tory ministers carried out his policy and his position remained supreme, though there was a discussion in parliament, regarding the constitional dangers involved in such an exercise of royal prerogative. Parliament was dissolved in 1807. The new parliament was in favour of the new ministers. Thus the king's will prevailed. In 1809 owing to a quarrel between Canning, the foreign secretary, and Castlereagh, the war and colonial secretary, the ministry was reconstituted under Perceval. It

Percival's ministry. lasted till 1812. In 1810 the king became permanently insane. The

Regency Bill made the Prince of Wales regent.

The Prince of Wales differred greatly in character and habits from his father. He loved ease and pleasure and did not like to exert and work. He did not possess a Character and attitude of the Prince of strong will as his father. He was Wales. not much interested in politics. He was therefore easily influenced by other's advice. Before he became Regent he had sided with the Whigs who had opposed under Fox in 1788 any restrictions on the powers of the Regent. They also opposed these restrictions in 1810 when the Bill of Regency again came. Prince was not in favour of Tories because they were for the restriction of powers of the Regent. After he became Regent however he did not disturb the existing Tory administration and arrangements. The Whigs were therefore greatly disappointed. Both the parties looked for royal favour and support to gain power.

They believed that they would also gain the support of parliament if they were to acquire the confidence of the Prince Regent. The Tories got this confidence of the court and therefore continued to govern the country with the support of an obsequious and corrupt parliament. There was not much of political principles or policy or of devotion to public service which guided the parliamentary opinion. The Tory party happened to be in power and the Prince Regent did not want to disturb it. Therefore, the government was carried on according to Tory principles of no reform and no concessions. If the Whig party had commanded the confidence of the Regent, it would have been placed in power, without any change in public opinion, and its principles of reform and emancipation would have prevailed.

Percival died in 1812. In the meanwhile the Prince Regent became hostile to the Whigs. The

Liverpool's ministry. opposition leaders were not pro-mised full freedom and support in their policy if they accepted the ministry. The court would not allow any considerable changes to take place in the ministry. Therefore the old ministry was merely reconstituted under the Earl of Liverpool. He was a strong Tory but combined in his cabinet men holding different views. This "ministry of medio-crities" lasted till 1827. It continued the ascendancy of Tories which George III had established. opposition to it was defeated in the Houses of parliament. The influence of the crown had created it. It was maintained during the Regency by the Prince of Wales and also during his own reign from 1820 to 1830. The ministers and the court party worked harmoniously and the Prince Regent did not interfere in the government of the country.

In 1812 a motion in favour of considering Catholic claims was brought forward in the House of Commons

and suppression.

and was carried. An Act was Period of reaction passed giving relief to non-conformist ministers from some of the

penalties of the Conventicle Act. But the period from 1815 to 1822 was a period of reaction and suppression. The Royal family was not popular. The Prince Regent was most unpopular owing to his gross immorality, his extravagance and his unbending opposition to reform. The Tory ministry was very conservative and reactionary. It failed to deal with the condition of the poorest classes, the Poor Law, parliamentary and social reform, education and reorganisation of finances. The Whigs who were in opposition had adopted the policy of peace, retrenchment and reform. In the early period Castlereagh who was foreign secretary dominated in the cabinet and in the latter period Canning. Lord Liverpool was a man of great tact and maintained the confidence of his supporters. But there was great distress and discontent in the country. Parliament being unrepresentative caused political discontent. Napoleanic Wars had created heavy taxation and large national debt.

The extravagance of the king had increased greatly the Civil List. Period of distress and discontent. There was extravagance in the administration of finances even in time of peace. The passing of a Corn law in 1815 to protect the landed class and a severe winter raised agricultural prices. The end of the war brought about a decline in trade. The development of machinery displaced labour and led to an increase of unemployment which was also increased by disbanded soldiers and sailors. The leaders of the opposition, Sir Francis Burdett and Lord John Russell, advocated reform in the Commons. William Cobbett the leading journalist of the time opposed the use of force, looked to parliament for redress of grievances and advocated annual parliaments and universal suffrage. A number of riots took place owing to this discontent. There was destruction of machinery by the Luddites. There was Spa Fields Riot in 1816. There was an attack on the Regent (1817) by a London mob on his return from opening parliament. It broke his carriage windows. Therefore in 1817

the Habeas Corpus Act was suspended because of the fear of a revolution. Lord Sidmouth who was the Home Secretary issued a circular ordering Lords-Lientenant to apprehend and to hold to bail persons accused of publishing blasphemous and seditious libels. This was an infringement of the liberty of the press and was contrary to the spirit of Fox's Libel Act of 1792 which strictly reserved to the jury the right of deciding the fact and character of a libel. William Hone who was prosecuted on three charges of blasphemous libel was acquitted. The failure of these charges greatly discredited the government. There was the March of the Blanketeers in 1817 to petition the Regent for relief. They were turned back. The Derbyshire insurrection was suppressed. In 1818 however the Habeas Corpus Act was restored. There took place in 1819 the Manchester or Peterloo Massacre at a meeting which was declared illegal but which met for advocating parliamentary reform. Owing to it the government believing that "every meeting for radical reform is an overt act of treasonable conspiracy against the king and government" passed the Six Acts for which Castlereagh and Sidmouth were chiefly The Six Acts. responsible. The Six Acts contained provisions for repressing agitation: (1) to prevent delay in the administration of justice in cases of misdemeanour, (2) to prevent the training of persons in the use of arms and the practice of military evolutions, (3) for the prevention and punishment of blasphemous and sedition libels, (4) to authorise justices of the peace in certain disturbed countries, to seize and detain arms, (5) to subject certain publications to the duties of stamps upon newspapers, and (6) for the prevention of the assembling of seditious assemblies. The Act number six was a very great limitation of the liberty of the subject to meet publicly, but its operation was limited to five years. The general tone of these acts was very reactionary.

They were found very useful in checking conspiracies.

The Cato Street conspiracy to assassinate the ministers

was found out and suppressed. The government opposed every reform owing to fear of mob violence, and also the lawful attempt of the middle classes to secure parliamentary reform in 1817, 1818 and 1819 when Sir Francis Burdett and Lord John Russell had brought motions to that effect.

Thus the thirty years from the time of the outbreak of the French Revolution (1789) to the death of George III were more conspicuous for what was not done than for what was. Their chief characteristic was the continuous and successful resistance of the aristocratic class in power to all change and reform. Many of the laws passed during this period show that the government had adopted a fixed policy of repressing new ideas and forces which threatened the existing constitutional machinery and social order. The Irish Union (1800) was not followed by religious, political and economic emancipation of the Irish. The abolition of Slave Trade (1807) did not affect the rights of economic property, political power or social order in England.

Though there were constitutional checks and institutions to restrain the exercise of royal power, the crown remained the source of all power, civil and ecclesiastical, the fountain of honour, and the first and paramount institution in the state. At this time crown exerted a great influence over the composition and policy of the cabinet and got the support of parliament by a system of bribery and patronage. Parliament was largely corrupt and represented class or party interests and not people's interests. It supported the crown's ascendancy and its members enjoyed the patronage, honours, dignities, places and preferments which were bestowed on them. George III created a very large number of peers, lay and ecclesiastical, who supported the government against the rising tide of democracy. The counties were under the influence of noble families. A large number of boroughs were nomination or pocket boroughs and

rotten boroughs under their control, and the government controlled other boroughs by its system of patronage. Services at elections and support in parliament were rewarded with peerages, baronetcies, offices, pensions and places. A parliament which was unrepresentative and uncontrolled by public opinion was generally subservient to ministers. The people were loyal to the king and possessed a habit of obedience to law and a respect for authority.

In 1760 an Act was passed at the instance of George III which completed the independence of the judiciary. It was in continuation of Independence of the the provisions of the Act of Settlejudiciary. ment (1702). The death of the sovereign had hitherto determined the judges' patents of appointment, making it necessary for the new sovereign to issue new patents. In this there was the danger that experienced judges might be displaced without a technical breach of the law to make way for royal or ministerial nominees. The Act laid down "that the commissions of judges for the time being shall be, continue and remain, in full force, during their good behaviour, notwithstanding the demise of His Majesty or any of his heirs or successors".

and the state of t

- Visit Total Control - 1 Table 1-1

The state of the s

L. Berne

## CHAPTER X.

## THE HANOVERIAN PERIOD (1820-1901).

3. The Rise of Democracy and the Extension of Political Representation and Civil Liberty.

This period was remarkable for the triumph of democracy and liberal principles in central and local government and legislation. It saw Characteristics of the extension of political franchise the period. and the growth of full civil and religious liberty in the United Kingdom of Great Britain and Ireland. It witnessed the expansion of the new British Empire and its system of federal and responsible government. It was also characterised by a great number of liberal and humanitarian laws and reforms relating to economic, social, religious, and educational matters. Thus we find that monarchical and aristocratic control yielded to democratic control, the principle of laissez faire to that of state control, regulation and interference, the principle of limited property suffrage to that of democratic suffrage, the principle of privileges to that of equality and the principle of irresponsibility to that of responsibility and political freedom. "A great moral change was coming over Europe, the principles of freedom were in full operation " observed Lord Castlereagh in 1814. The principles of nationality and independence, of constitutional government and allsided reform were the forces which inspired and guided human activities. There was a fourfold revolution in process. It covered political, social, economic and intellectual activities and institutions of the people.

The French Revolution which created new values in social and political matters and the Intellectual and Mechanical Revolution which created new methods in the organisation of agriculture, industry and commerce changed men's minds and men's ways of life. The first emphasised

democracy and the other new standards of living. Both needed reform of old aristocratic ideals and standards. The spirit of individualism and humanitarianism was the guiding spirit of a large part of the nineteenth century. It disturbed and destroyed the old order of a status society and close class privileges and exclusions. It encouraged the common man and gave him the rights and liberties of a common national citizenship. The hopes of the working classes for the attainment of political and economic rights were raised and helped by liberal and socialistic movements, and by trade unionist and democratic organisations.

From 1820 the stagnation which had set in with 1789 in political progress and reform began to disappear. There came the new Appear. There came the new Whiggism of Lord John Russell and Brougham and the new Toryism of Canning, Huskisson and Peel. There appeared the democratic Radicalism of William Cobbett and the utilitarian Individualism of Bentham, the Trade Unionism of Francis Place and the Utopian Socialism of Robert Owen. The politicians and reformers of the period were greatly influenced by the ideas of Pantham and his

Owen. The politicians and reformers of the period were greatly influenced by the ideas of Bentham and his followers. Benthamism inspired the new radicalism led by Joseph Hume. From 1820 the old system of the eighteenth century began rapidly to decay. The old feudal and aristocratic principles, institutions and methods which were an obstacle to a new system and order of polity, society, jurisprudence and economic organisation were attacked and changed.

The English parliamentary system as it prevailed in 1820 had lost its democratic features under the personal influence and intrigue of George III's George III, the fear of the French Revolution and Napoleanic wars and the corruption and bribery of an unrepresentative parliament. The monarch and aristocratic classes dominated in the government and parliament of the country. They had repressed every attempt at political

reform and economic relief. A great thinker like Burke who in 1770 in his Thoughts upon the *Present discontents* had complained that the House of Commons was beginning to exercise control *upon* the people, whereas "it was designed as a control for the people", and had advocated the influence of public opinion on the House of Commons and wanted it to be "express image of the feelings of the nation", protested against the evils of French revolutionary ideas. Both the parties in the country had become apathetic towards reform and relief. Therefore till the death of George III Tories who administered the affairs of the country stemmed the advance of democracy and reform in the country by suspending laws of personal liberty and by passing laws of repression.

A new generation however arose. It was oppressed by other evils than those of war. It was distracted by

New conditions and discontents.

new social and industrial problems. It became ardent for reform. The enormous burden of national debt

caused by the Napoleanic wars weighed heavily on the workers' necessaries of life and means of production. The misery, grievance and discontent it caused were the chief motive power of democratic movements after 1815. The artificial prosperity brought by the war in agriculture, industries and commerce could not be kept up during the time of peace. There was a social crisis also. The mechanical and scientific inventions and the resulting agricultural and industrial revolutions had disturbed the old systems of production and standards of living. Those who worked in the old way could not compete with the products of factories. Many had either to give up their old pursuits and remained unemployed or were reduced to the position of wage-earners clustering round factories. The agricultural revolution also ruined the yeoman farmers and dispossessed the peasants of small but invaluable rights over common fields and common pasturage which were now being enclosed. The result of these enclosures was that a number of peasants who had eked

out their livelihood on the produce of their arable plots and pasturage rights and on the products of their spinning wheels and handlooms lost it. These half manufacturers and half farmers who could not specialise in skilled industry or agriculture became wage-earners in the factories or daily-labourers on the land possessing no share in the ownership of the means of production, and losing their industrial independence. These changes also led to the rise of discontent amongst these classes against the new methods. The recklers extravagance of the government in public expenditure and the large bestowal of sinecures also caused resentment of the people against the government. The combination law of 1799, the Corn Law of 1815, the Suspension Act and the Six Acts of Lord Sidmouth made their life miserable and their liberty of person, opinion and association impossible. The Radical reformers who advocated advanced democratic principles wanted to annul the harsh legislation of the war period. The working-men also wanted to get relief from them and to secure bread at its natural price. Therefore they became interested in a drastic measure of electoral reform. Their agitation increased in proportion to their misery and discontent.

William Cobbett promoted the cause of democracy. His paper, the weekly register, caught the ear of the people and made the press a William Cobbett, a a radical reformer. permanent power. He was a prolific and vigorous writer. He led the popular demand for a complete reform of parliament. He demanded that the House of Commons should be elected annually by all the tax-payers of the land. His determined and continuous agitation made the Radicalism of the nineteenth century. Workingmen started Hampden Clubs in towns and villages. Their delegates drew up a political programme which demanded annual parliaments, exclusion of all placemen, adult tax-payer's suffrage, one member for every 20,000 inhabitants, and talent and virtue to be the sole qualifications for members. This radical movement

of 1816-1819 was however suppressed under the repressive laws. But the democratic feeling continued to exist, and the pent up enthusiasm found expression at the time of the Reform Act of 1832.

There were other influences which discredited the old political system and increased the demand for reform. The radical and utilitarian Jeremy Bentham's philosophy of Jeremy Bentham influence. which was a great force from 1800 to 1830 advocated the promotion of the greatest happiness of the greatest number. This new creed proved itself subversive of old modes of thought and of institutions which rested only on prescription and tradition. He condemned monarchy and aristocracy and pronounced democracy to be the sole form of rational government because as each man sought his own happiness, the government of the majority would necessarily pursue the interests and the happiness of that majority. He advocated parliamentary reform. According to him man was a reasoning creature engaged in a constant pursuit of happiness. His followers like James Mill and John Mill carried a crusade in and out of parliament against the abuses of the Georgian regime in the Westminister Review from 1824. They attacked the aristocratic character of the British Constitution under which a few hundred families could return a majority to the House of Commons.

Mr. Francis Place was a great upholder of individual liberty of the laissez faire type. He was a great organiser and possessed a tenacity of purpose. He prepared the way for the abolition of the odious Combination Law of 1799 which had prevented the formation of trade unions of working-men. He was a decided opponent of state interference. He agitated for an advanced measure of reform. His influence was great. Mr. Robert Owen also inspired hope amongst the workers of a better political and social order by his socialistic ideas and cooperatives schemes.

After the death of George III in 1820 the Regent ascended the throne as George IV. He was not a

George IV's thoroughly selfish and did not care for the prosperity of the nation.

His manners were courtly. His accession however did not mark a break in English history. He had acted as Regent since 1811. His reign opened with the controversy relating to Queen Caroline's behaviour. There was a Bill of Pains and Penalties against the Queen for the purpose of dissolving her marriage with the king. Lord Brongham defended the Queen. It was however abandoned by the government amidst popular rejoicings. The result of the Queen's trial was the alienation of the middle classes from the government which was forced to strengthen itself by the admission of more liberal statesmen into its body. In 1822 Peel became the Home Secretary in the place of Lord Sidmouth. Castlereagh who was now Lord Londonderry committed suicide. Mr. Canning became the Foreign Secretary. These appointments marked the

liberalising of Liverpool's Cabinet Changes in the Liverpool ministry. which was continued in 1823 by the appointment of Robinson as Chancellor of the Exchequer and Huskisson as President of the Board of Trade. Castlereagh had very little sympathy with the lowest classes. He had supported the policy of repression adopted by the Liverpool ministry and shared with Sidmouth the responsibility for the Six Acts. The moderate conservatism of the new ministers, namely Peel and Canning, was in favour of advance and reform. Huskisson followed the policy of free trade and removed (1823) a number of restrictions on foreign vessels imposed by the Navigation Acts of 1651 and 1660 and on foreign trade. He adopted the principle of reciprocity of duties in his new measures. He reduced duties on some goods imported and exported. Robinson remitted some taxes. These measures benefited the poorer classes, manufacturers and consumers generally. In 1824 the

Combination Laws of 1799 and the laws forbidding the travelling of labourers were repealed. Attempts made to pass a Catholic Relief Bill in 1821 and 1825, and to promote parliamentary reform in 1822, 1823 did not succeed.

In 1827 Lord Liverpool fell ill. Canning became the prime minister, but seven of the old ministers like Wellington, Peel, and Eldon Canning's ministry. refused to serve under him and therefore resigned. They were opposed to Catholic emancipation and Repeal of the Corn Laws. Thus there was a great schism amongst the Tories. Canning was in favour of Catholic emancipation and the improvement of Corn Laws, but he was opposed to parliamentary reform and repeal of Test and Corporation Acts. He was however helped by the Whigs like Brougham and Burdett some of whom took office under him. Though he relied on Whig support he was one of the founders of the new Toryism which was not opposed to social reforms. Canning was violently attacked by the extreme Tories, like Londonderry and Newcastle. Earl Grey, the Leader of the Whigs also attacked him. His Corn Bill was rejected by the Lords at the instigation of Wellington. He died in 1827. He was not a consistent member of either party. He thus stood "half-way between the new and old " in a time of transition. The Goderich (formerly Robinson) ministry continued till 1827. He was unable to control the cabinet. Then the Duke of Wellington formed the ministry which lasted till 1830.

Mr. Robert Peel became the Home Secretary.

The Canningites Huskisson, Palmerston Dudley joined him Wellington was the last of Wellington's ministry. the old Tories. He was opposed to all reform except as an alternative to civil war. In 1828 the Test and Corporation Acts were repealed on the motion of Lord John Russell, though there was opposition from extreme Tories. The Canningites

later on resigned from the ministry, and began to advocate parliamentary reform. The ministry became purely Tory and strongly anti-Catholic. The question of Catholic emancipation became very acute. The early attempts of Pitt in 1801, of Grenville in 1807, of Canning in 1812 and of Grattan in 1819, the Roman Catholic Relief Bills of 1821, 1822 and 1823, had all failed because of the king's and Tory opposition. The questions had led to great disorders in Ireland between the Protestant Orangemen and the Catholic White Boys. In 1823 the Catholics formed the Catholic Association under the leadership of O'Connell. It was suppressed by order of parliament in 1825. Sir Francis Burdett's Catholic Relief Bill of 1825 was thrown out by the Lords. In 1828 Daniel O'Connell a Catholic was elected a member of parliament for the country of Clare. It was the immediate cause of Catholic emancipation as civil war might have followed the continued exclusion of O'Connell from parliament after his election. Wellington and Peel had to overcome the opposition of the king who professed conscientious objections to the measure and who was induced to give his consent only by Wellington's threat of resignation. There was also the opposition of the established Church of England and the extreme Tories. The Roman Catholic Emancipation Act was however passed in 1829 owing to the combined support of the Whigs, the Canningites and the moderate Tories. Wellington was afraid of civil war and Peel of the danger to union. Both incurred great unpopularity. Peel resigned his seat at Oxford. The Act provided that the Roman Catholics should be eligible for all public offices, except those of Regent, Lord Chancellor of England and Ireland, Lord-Lieutenant of Ireland and judicial appointments in ecclesiatical courts. The members of parliament were no longer required to abjure Roman Catholic doctrines. They were however to deny on oath the legality of papal jurisdiction in the British Isles, and to deny that papal excommunication justified the deposition or murder of a sovereign. The Jesuits and Monks were

not to enter the country without license. At the same time another Act was passed, raising the qualification for the franchise in Ireland from 40s. to £ 10 in the hope of weakening the power of the Catholic peasantry. It was thus a measure of disfranchisement. The Emancipation Act however did not solve the problem of Ireland. It did not provide an endowment for the Roman Catholic clergy. O'Connell who was reelected began his agitation for the repeal of the union.

George IV and his ministers had continued to rule supreme over parliament and public opinion.

Mr. Brougham's resolution of 1822

which stated that the influence of the crown had greatly increased since Dunning's resolution and that it was destructive of the independence of parliament and inconsistent with the well-governing of the realm was thrown out. The influence of the crown over parliament enabled any party ministry to command a majority. But there was a gradual decline of the personal influence of the king in the work of administration. It practically ended when the king had to yield to Wellington in the matter of Catholic emancipation. The king himself had not much interest in matters of government, nor did he possess much knowledge about it.

William IV succeeded to the throne in 1830. He was not much conversant with public affairs. He was more inclined towards liberal measures and reforms. He did not want to interfere in the working of the constitutional government. He respected the wishes of the House of Commons and accepted ministries which had a majority in it. There was a new parliament which met in October. There occurred an unfortunate reference in the king's speech to the determination of the government to repress by force all disturbances in England. There was however no sympathy expressed in it for the distress in the country which caused disturbances. The king's speech was followed

by a declaration of Wellington resisting all measures of reform. The July Revolution of 1830 in Paris against the unconstitutional acts of Charles X of

France had encouraged reformers in England, and strengthened constitutional government. In November the ministry of Wellington resigned owing to a defeat on the reform of the Civil List. There was also strong feeling against its reactionary policy. Wellington was a Tory of the old school. He did not understand what party government meant and did not realise that popular support was the foundation of constitutional government. He was not able to manage his party. He alienated the extreme Tories by the repeal of the Test and Corporation Acts and the Catholic Emancipation Act. He also could not keep the Canningites within his ministry. Although the Whigs supported him in 1829 he could not secure their permanent support because of his opposition to parliamentary reform. Thus he failed as a party leader. Helkept his position mainly because he alone could manage George IV.

The Tory ministers were weakened and discredited by the split in the party. The death of

George IV also weakened their Lord Grey's position. William who was perministry. sonally popular and favourable to reform restored the Whigs to power. Lord Grey became the prime minister, Lord Althorp the Chancellor of the Exchequer and leader of the House of Commons and Brougham, Lord Chancellor. The Canningites, Palmerston, Grant, Goderich, joined the Whigs. Their union was natural and permanent. Both were actuated by the new impulse for reform. The Whigs got the support of the people who were keen on parliamentary reform. Lord Grey had been associated with every attempt at parliamentary reform during the last forty years.

The desire for parliamentary reform was due to the political awakening of the people and to the

existence of defects in the old system of parliamentary representation from the point of Defects in the review of democracy. Firstly, the presentative system. seats in the House of Commons were not distributed according to population. Boroughs which had decayed in importance still sent members to the House of Commons Old Sarum which was "a green mound and a wall with two niches in it" sent two, and thirty-five constituencies with hardly any voters returned seventy members. On the contrary, towns which had greatly increased in population owing to the imfluence of the industrial revolution and the growth of trade were not properly represented. The county of Middlesex, including London, sent only eight members, and Manchester, Leeds, Sheffield and Birmingham which were thickly populated sent none.

Secondly, the House of Commons was largely composed of members under the influence of great landowners who controlled the pocket or nomination boroughs and the rotten boroughs which were considered by them as their personal property. The Duke of Norfolk nominated eleven members in 1793 as patron. Fifty members were returned by nomination boroughs with no electors. It was stated that one hundred and fifty-four patrons returned three hundred and seven members.

Thirdly, the franchise was limited and based on no uniform system. In counties all 40 s. freeholders could vote. But non-freeholders were excluded. The freeholders who were the country gentlemen and independent yeomanry were however susceptible to the social influences of great nobles and local landowners. The expenses of election contests were enormous, However the electors were more numerous, more responsible and less corrupt than those in boroughs. They represented public opinion more faithfully. A large number of counties were represented by members of noble families and by gentlemen who enjoyed their confidence and patronage.

In boroughs the franchise was not uniform and was limited. The privileges which gave a man a right to vote differed from borough to borough. In some the holders of certain houses or payers of scot and lot (local rates), in others, freemen or holders of corporate office were entitled to vote. At Taunton the franchise was restricted to potwallers, that is, all resident male inhabitants who had obtained a parochial settlement, whether as occupiers of a house or lodgers. In the main there were two kinds of borough franchises; those where the franchise was in the hands of the few and those where it was less exclusive. In the former case the franchise was confined to the corporation or to those who held lands by burgage

tenure. In other cases it was more liberal.

Fourthly, the evils of the borough system of franchise were its complexity which caused considerable disputes in a borough as to who really had the right to vote, and the prevalence of bribery and corruption which obstructed the freedom of choice of members. There were two types of boroughs. In the pocket or nomination boroughs the inhabitants were very few in number. They looked up for patronage and protection to the crown or great landlords. In a place like old Sarum the patron had an absolute right to nominate his own candidate. He often sold the seat to his nominees. These boroughs obediently returned the nominees of their patrons. This system was not altogether bad. It made it possible for the poor but talented man to enter parliament as the nominees of their patrons. But they had often to vote at the bidding of patrons. Thus the House of Commons largely consisted of the nominees of the Crown and the House of Lords. In the rotten boroughs the electors were sufficiently numerous to be independent of a patron, they sold their votes. They made the right of voting a valuable privilege. Sometimes the seat was purchased outright from the corporation. Sudbury publicly advertised itself for sale to the highest bidder. Otherwise individual electors were won over by lavish

bribes. Prices for seats were increased by the competition of ambitious rich men and more especially of the 'nobles' who had made immense fortunes in the East Indies and who wanted to enter the House of Commons for the purposes of improving their social position. They owed no allegiance to political parties or principles. They wanted to serve personal ends and satisfy social aspirations. Bribery at elections had become a systematic abuse in the reign of Charles II when the political importance of parliament had increased in the constitution. The Revolution of 1688 increased that influence still further. The accession of Hanoverians and the rise of the cabinet made it necessary to secure the support of parliament for government's policy and measures. Therefore in spite of bribery being an offence at common law and of the various Bribery Acts the evil continued. Both the crown and ministers bought seats from patrons and constituencies with a promise of titles, places, pensions or hard cash. The nobles with their independence of party connections and their personal ambitions were well fitted for the service of the court and were attracted to it by the hope of rewards. They sided with the king's friends, when the members were elected by a small but independent body of electors their individual votes were secured by bribery. When the return rested with proprietors or corporations the seats were purchased from them. Thus the sale of boroughs became a general practice. It was open and undisguised. Attempts made to check corruption between 1768 and 1786 failed. Legislation, statesmanship and public opinion all tolerated it. The system of purchasing seats was considered less bad than the system of general corruption of electors and of nomination of members. Independent members could only get in by buying seats and they could vote according to their opinions. They were not bound to any patron.

In larger boroughs and seaports corruption was more difficult, but the government influence was great owing to the presence of petty officers of customs and excise

who supported the government candidates. In 1782 the Place Act disfranchised a number of revenue officers. Rockingham himself admitted that 11,500 of these collectors had votes and they chiefly determined the issue of 70 elections. It was only in a few great cities that the influence of corruption was less. But there also a number of vexatious contests and obstacles had to be overcome. There were often riots and use of violence. Sometimes the returning officials were also partial. Costs of election were heavy. Voters were often intimidated. Sometimes the election would continue for forty days and the attendant evils of drunkenness, tumult, and libelling would last during that period. The defects of representation in Scotland and Ireland were even greater. Thus an actual majority of the members of the House of Commons was returned by an inconsiderable number of persons. In 1780 the Duke of Richmond stated that not more than 6,000 men returned a clear majority of the House of Commons. In 1793, 1816 and 1821 the same state of things was pointed out. Pitt stated in the House of Commons "this House is not representative of the Great Britain; it is the representative of nominal boroughs, of ruined and exterminated towns, of noble families, of wealthy individuals, of foreign potentates."

Fifthly, the representatives, who secured their seats by a general system of corruption, themselves got corrupt and readily sold their votes to the crown and his ministers. George III personally examined the voting list and awarded peerages and titles of honour places, pensions and pecuniary bribes. This method of managing the House of Commons developed from the time of Charles II and became a system during the reigns of the first four Georges. The Place Acts of 1708, 1742 and 1782, however restricted a large number of place-holders, from sitting in parliament, and revenue and judicial officers were altogether disqualified. This system of bribery of members was possible because the constituencies had no control over

the members and there was no moral awakening of the public opinion. Members debated and voted with closed doors and therefore it was not known how they voted.

Scandalous as were the electoral abuses, still more so was the conduct of the House of Commons in trying election petitions. There was injustice in

House of Commons tried election petitions.

these trials. The majority of the House of Commons connived at the purchase and sale of votes and

purchase and sale of votes and seats, and at bribery, partiality and corruption at elections when committed by their own party. It only condemned them in the case of its political opponents. The commons always claimed an exclusive jurisdiction in matters of election but they perverted it by their injustice and partiality. In 1770 the Grenville's Act which was made perpetual in 1774 transferred the function of judging to a committee of thirteen members but the same result followed. The committee always decided in favour of those who held the same political views. In 1868 the trial was transferred to the judges of the superior court.

Thus the representative system was thoroughly corrupt, venal and dependent. The crown and the dominant political families could therefore command a majority in the House of Commons. The decayed

Character of the private property of noblemen, the close corporations openly sold the

seats at their disposal to members who in turn sold their votes to the crown and ministers. From the early times there was no rational theory of representative. Its main object was to gather representatives from the places best able to give aids and subsidies to the crown. The crown and its officers selected places for representation as they liked. Some of these places did not grow, some fell into decay and some which were unrepresented grew into importance. Hence inequalities of representation continually increased. They were not corrected by the use of the

royal prerogative of enfranchising and disfranchising boroughs. The new boroughs which were enfranchised by the Tudors and the Stuarts were not places of importance or great size. They were more or less nomination boroughs created for the purpose of adding to the power of the crown. From the time of Charles II this royal prerogative was superseded and the growing inequalities in the representation system remained unredressed.

The Revolution of 1688 though favourable to parliamentary government did not rectify the inequalities of representation. The prerogatives of the crown were limited, and the powers of the parliament increased. But their responsibility to the people was not secured. The House of Commons was largely beyond the reach of the public opinion and was not representative and accountable to the people. It was managed by the government by a system of bribery and corruption which continued till the Reform Act of 1832.

In spite of all these defects parliament attracted the best men to the service of the state like the Pitts, Fox,

Character of the House of Commons in practice.

Burke, Russell. There were also some popular elements in the House of Commons. It recognised its responsibility to the result.

ponsibility to the people and was not insensible to public opinion which was awakened by the influence of the press. The small class which returned a number of members was the most enlightened in the country and a part of them was generally inclined to favour principles of freedom and parliamentary government. Again the division of parties led to the party in opposition to preach popular principles and to act as restraint over the government and the majority in parliament. Walpole's fall in 1741, Elder Pitt's entry into the cabinet in 1756, Fox's loss of supporters in 1784, Younger Pitt's continuance in office in 1783, the passing of Catholic Emancipation Act, 1829, Earl Grey's triumph in 1832 were all indicative of the influence of the public opinion.

There were a number of attempts made at reform from 1766 and 1770 when Chatham advocated parlia-

mentary reform. He had said Prior attempts at "Before the end of this century parliamentary reform. either the parliament will reform itself from within or be reformed with a vengeance from without". In 1776 Wilkes introduced a comprehensive scheme of reform in a bill. He wanted to disfranchise rotten boroughs, to enfranchise large towns and to give more members to large counties. His scheme contained all the leading principles of parliamentary reform. In 1780 the Duke of Richmond's bill contained radical proposals of annual parliaments, universal suffrage and equal electoral districts. In 1782 and 1783 Pitt submitted three resolutions affirming (1) the necessity of preventing bribery and expense at elections, (2) the expediency of disfranchising a borough whenever the majority of its voters should be convicted of corruption and of transferring the unbribed minority to the county constituency and (3) the desirability of increasing the number of country and metropolitan members. In 1785 he introduced a Reform Bill which proposed to disfranchise corrupt boroughs and to increase the number of members for London and counties. All these proposals were rejected. The House of Commons was however indifferent, the public apathetic and the king opposed. The extravagance of many of the reformers ruined their cause. There was also a strong reaction against the principles and practices of the French Revolution which made all efforts at reform fruitless, though there were a number of motions such as that of Flood in 1790 and of Grey in 1792, 1793 and 1797. In 1792 was formed the Society of the Friends of the People for parliamentary reform. It consisted of Whig-Liberals who were persons of rank. From 1800 to 1820 there were a number of motions made in 1809, 1810, 1818 and 1819. by men like Grey and Burdett. But the reaction against the French Revolution continued. There was a concentration of national energy against Napoleanic wars.

The Tories who were in power were not inclined towards reform. The king did not favour it. The violence of extreme reformers and the Cato Street conspiracy whose object was to assassinate the ministers weakened the movement for reform. From 1820 to 1830 there was again a revival of reform movement due to the moderate reformers like Burdett supported by the Whigs, especially Lord John Russell, and relying upon the desire of the middle classes to secure reform. There was a new world of democratic ideas and outlook which had unsettled the minds and institutions of the people. Lord John Russell made motions in 1820, 1822, 1826, 1828 and 1830. Attempts were also made by others. Reform Associations were formed, especially the Union of Birmingham. In 1821 Grampound a notorious 'rotten' borough in Cornwall was disfranchised and its two members were given to Yorkshire. The Tory party was opposed to parliamentary reform. In 1830 Sir Robert Peel said "They had to consider whether there was not on the whole, a general representation of the people in the House, and whether the popular voice was not sufficiently heard. For himself he thought that it was." The Duke of Wellington declared in the debate on the Address "He was fully convinced that the country possessed at the present moment a legislature which answered all the good purposes of legislation and this to a greater degree than any legislature ever had answered, in any country whatever. He would go further, and say that the legislature and system of representation possessed the full and entire confidence of the country." He was therefore not prepared to bring forward any measure of reform but on the contrary would resist such measures when proposed by others.

Earl Grey's ministry was pledged for parliamentary reform. There was also agitation by the people in favour of reform. There were numerous public meetings held, political unions started and petitions presented for reform. The ministers had to encounter the vested

interests of the proprieters of boroughs, the opposition of the House of Lords and of a majority of the House of Commons, the conservative spirit of the king who disliked and feared the measure at first and of the Tories in the country. The Tory rule of sixty years had strengthened this spirit. The First Reform Bill was presented by Lord John Russell in the House of Commons on March 1, 1831. It passed the second reading by a majority of one in the largest House on record up to date. It was thrown out in the committee. Parliament was then dissolved by William IV in person. There was great feeling aroused in the country. The election cry was "the Bill, the whole Bill and nothing but the Bill." The Tory candidates were routed and overthrown. The elections secured a large majority in favour of ministers and reform. On June 24, 1831 the second Reform Bill was introduced by Lord John Russell. The third reading was

The Second Reform carried in the House of Commons by an overwhelming majority of

109 on September 21. On October 8, it was however rejected by the Lords. The ministry refused to resign. Public excitement ran high. There were riots in favour of reforms. On December 12, the third Reform Bill was introduced by Lord John Russell. On March 23,

The Third Reform by the Commons. On May 7, a by the Commons. On May 7, a third

hostile amendment to the third Reform Bill was carried in the committee of the House of Lords. The king refused to create a majority of Whig peers in order to carry the Bill through the Lords. The ministers resigned. Wellington failed to form a ministry. The king was obliged to promise to create Whig peers if necessary to secure the passing of the Reform Bill and to recall Grey on May 5. On June 4, the king requested Wellington to withdraw his opposition. Consequently Wellington and a hundred of his supporters retired from the House and the remaining peers passed the Bill. It became the Reform Act of 1832.

The Act provided firstly the redistribution of seats by the abolition of a number of nomination and rotten boroughs. Fifty-six boroughs having The Reform Act less than 2,000 inhabitants and returning 111 members were disfranchised. Thirty boroughs having less than 4,000 inhabitants each lost one member. Two more boroughs lost two members. Thus 143 seats were made available for distribution by these changes. Sixty-five seats were given to the counties, forty-four to large towns like Birmingham, Manchester, Leeds, and Sheffield, each receiving two; twenty-one to smaller towns, each receiving one, eight were given to Scotland and five to Ireland. Reform Acts were also passed for Scotland and Ireland. Secondly, the Act extended the franchise. In the boroughs house-holders paying an annual rent of £ 10 received the franchise, and the old system of unequal and restricted qualifications was replaced by a uniform qualification. In the counties the 40s. freeholders retained the franchise. It was also given to copyholders (who based their right to the land they held on copies of the rolls of a manor made by a steward of the lord's court), paying £ 10 a year in rent, to leaseholders of twenty years paying £ 50 rent and to tenants-at-will, paying £ 50 rent. Thirdly, the Act was a reform of electoral machinery, registration and corrupt practices. Detailed regulations for the conduct of elections were laid down. Excessive expenses were checked by a reduction of the days of polling and other means.

The Reform Act completed the revolution of 1688 in two ways. In 1688 political power had been transferred from the king to the landed classes, that is, the Whig landowners. In 1832 the landed classes were forced to extend their privileges to the commercial and industrial middle classes. From 1688 parliament had been manipulated by the government. It was really subservient to the crown whose influence was supreme. From 1832 the members of the House of Commons were drawn from a large electorate and became greatly

independent. Since then the House became the dominating element in the constitution. The period between 1832 to 1867 was the period of the rule of the middle class. The Act was passed owing to the alliance of the aristocratic Whigs with the moderate Liberals. It continued the work of the Revolution of 1688 by giving the chief power in the commons to the middle class. It however did not create new political ideas or forces in the country. It is stated that it was not so much a reform act as it was an act to make reform possible. The reformed parliaments between 1832 and 1867 began to give a new social order, a new economic policy and a new political life. The reformed parliament was more liberal and progressive It was more active and susceptible to the influence of public opinion.

Many of the Whigs supported the Reform Bill in the hope that it would check the growth of democratic sentiment. They would have

The Act and parties.

resisted the extension of franchise to artisans and labourers. Lord John Russell, the great advocate of parliamentary reform, was nicknamed "Finality Jack" for declaring in 1837 that the Bill was a final settlement. The extension of franchise did not diminish the influence of the landed gentry and wealthy men who formed the great majority in the parliaments after 1832. The Bill was however not a final settlement. The radical democrats wanted a broader franchise but failed. The exclusion of artisans from the franchise led to the development of chartism. It was the later Reform Bills of 1867 and 1884 which extended the franchise to urban and rural labourers.

After the Reform Act of 1832 the Whigs supplanted the Tories in power and used their ascendancy for passing a number of great measures Whigs and for the liberty and welfare of the Radicals. people. Radicals had no ties with the Whig aristocracy and no respect for their constitutional traditions. Their principles were more

democratic. They wanted every political and economic grievance of the common classes to be immediately redressed and were against any delay. Earl Grey and his followers were however against their extreme democratic ideas and individualistic measures. The Whigs who formed an aristocracy of great families represented the tastes of the old order in their habits and associations. They held all offices and distinctions. The Radicals were new rough men of the people and not highly bread. Though they supported the Whigs against the Tories there was no permanent and close union possible between them. There was distrust and disagreement on a number of points of policy and of measures.

Earl Grey remained prime minister from 1830 to 1834. In 1832 parliament was dissolved. The new parliament (1833) under the Re-Measures of re-formed parliament. parliament (1833) under the Ke-form Act began to reform abuses. It passed the Affirmation Act allowing affirmation instead of an oath. The Act for the emancipation of slaves in colonies by paying compensation to slave owners and the Factory Act prohibiting the employment of children in factories under nine and restricting the work of women and young persons under eighteen to ten hours a day and of children below twelve to eight hours a day. The government made a grant to education and threw open the eastern trade under the influence of Laissez faire. In 1834 the Poor Law Amendment Act was passed under Melbourne ministry. It restricted outdoor relief, imposed a workhouse test in the case of ablebodied seeking indoor relief and abolished the Law of Settlement which hindered the movement of labourers from place to place. It created a central Poor Law Board to supervise the working of the Act and grouped the parishes into unions. Lord Grey's ministry resigned over the question of a Correction Bill for Ireland.

The First Ministry of Melbourne lasted from July to November 1834. Viscount Melbourne had been a

follower of Canning. He held office under Wellington but resigned with other Canningites First ministry of in 1828. He was the home secretary Melbourne. in the ministry of Grey and helped in the Reform Bill. It was he who trained Queen Victoria in the principles of constitutional government. He depended largely upon the support of Althorp in the House of Commons. Melbourne however thought his position insecure and wished to retire from it. The king disliked Melbourne. He therefore dismissed him with his consent. There however at this time was no difference of opinion between the king and the ministers upon any measure or question of public policy. They had also not lost the confidence of the House of Commons. The majority in it were in their favour. The king's action was however due to his devotion to church principles and his belief that the new conservative party was stronger than the Whigs.

The king sent for Sir Robert Peel. He had been home secretary in 1822 and had resigned in 1827 on

Canning's becoming the prime minis-Peel's first ministry ter. He had no following in the and Tamworth mani-House of Commons and failed to get support in it. He therefore advised the dissolution of parliament. At the time of the general election Pitt issued his maifesto or address to his constituents at Tamworth. It was a definite statement of the principles of the Peel's conservative party. He said that he was neither "a defender of abuses" nor "an enemy of judicious reforms" and that the Reform Bill constitutes a new era" and is the final and irrevocable settlement of a great constitutional question. He advocated "a careful review of institutions, civil and ecclesiastical, undertaken in a friendly temper" to secure "the firm maintenance of established rights, the correction of proved abuses and the redress of real grievances". The election however returned a liberal majority opposed to Peel. In the king's speech Peel promised "to advance soberly and cautiously in the path of progressive improvement". He also made promises

of certain definite reforms, "I offer you reduced estimates, improvements in civil jurisprudence, reform of ecclesiastical law, the settlement of the tithe question in Ireland, the commutation of tithe in England, the removal of any abuse in the church, the redress of those grievances of which the Dissenters have any just ground to complain". But on April 8, 1935 Lord John Russell carried against the government with the support of O'Connell's followers a motion for the appropriation of the surplus ecclesiastical revenues in Ireland to the "education of all classes of christians". Peel could not continue a struggle against the hostile majority in the House of Commons and was therefore compelled to resign. Thus the constitutional result of the Reform Act was seen. Henceforth the minister ruled only with the support of the House of Commons.

The second ministry of Lord Melbourne lasted from 1835 to 1841. Its first measure of importance

Melbourne. was the Municipal Reform Act of 1835. Originally all the settled inhabitants and traders of corporate

towns who contributed local taxes participated in the management of municipal affairs. The town community however gradually increased. For some centuries after the conquest the burgesses assembled in person for the transaction of municipal business. They elected a mayor or other chief magistrate. There was no governing body or town council to whom the authority of the burgesses was delegated. Law recognised only the burgesses. But as towns and trades increased the practice of representation grew. Wealthy and influential inhabitants were chosen. They assumed all municipal authority and substituted self-election for the suffrages of burgesses and freemen. Until the reign of Henry VII these encroachments of power had been local. But the tudors began to grant charters to boroughs vesting all the powers of municipal government in the mayor and town council, nominated in the first instance by the crown itself and afterwards self-elected, and also of returning members of parliament. The power of the crown and aristocracy was thus increased at the cost of the liberties of the people. The Stuarts did the same. They consequently remained close governing bodies in which inhabitants had no voice and were selfelected and irresponsible. They neglected their duties and wasted or misused their funds. Thus there were a number of abuses in the old system. Municipal councils had been limited corporations and were not popularly elected. They deliberated in secret and were very corrupt. The rights of citizenship were confined to freemen who were a small proportion of the rate-payers. At Cambridge there were only 118 freemen out of 20,000 inhabitants. The Act provided that all towns should have a uniform system of government, consisting of a The Municipal Reform Act of 1835.

town council, elected by the rate
payers in each ward who had resi-

ded three years in the borough and including a mayor, aldermen and councillors, that the town council should administer accounts which were to be duly audited and published and that all old trading privileges should be abolished. This act extended the municipal franchise and put it on a uniform basis. It did for the government of towns what the Reform Bill had done for the government of the country. It greatly diminished jobbery in municipal affairs, abolished privilege, and introduced representative selfgovernment in municipalities. In 1836 the House of Commons issued the Division Lists which were published. Thus the public got to know how its representatives voted. The Stamp Duty which was levied on newspapers was reduced from four pence to one penny per issue. It cheapend the newspaper and removed financial restrictions on its free circulation. In 1837

the king died. Queen Victoria was only eighteen when she ascended the throne in 1837. She got married in 1840 to Prince Albert of Saxe-Coburg Gotha and died after a long and eventful reign Victoria of 64 years in 1901. Her reign was succeeds. remarkable for the triumph of democracy, the extension

of the Empire, the grant of responsible government to the colonies and the progress of the country in social, economic and educational matters. She was the daughter of Edward, Duke of Kent, son of George III. Lord Melbourne whose ministry continued till 1841 became her confidential adviser and inculcated in her the principles of constitutional government. He was a man of sterling character, great tact and wisdom.

The period between 1837 and 1846 was one of discontent and danger. In 1837 there was a rebellion in Canada owing to the mismanage-

ment of the Home government and the defective constitutional arrangements which prevented the colonists influencing the Home government. Lord Durham who was sent in 1838 to Canada took rigorous measures to establish order. He also made a report in 1839 recommending the establishment of responsible government in the colony. In 1838 the People's Charter was published. It demanded annual parliaments, manhood suffrage, vote by ballot, equal electoral districts, abolition of property qualification for members

of parliament and payment of members. All the demands except the first have been now achieved. One of the causes of the discontent amongst the working classes was the ousting of hand labour by machinery without a corresponding lessening of the price of commodities. The dearness of raw materials, the increasing growth of the population and the illegality of trade unions had enabled the manufacturers to keep down the wages of labourers. The second was the existence of Corn Laws of 1815 which had raised artificially the price of the necessities of life. The main object of the chartist movement was the amelioration of the condition of the poor to be brought about by means of the points in the charter. The moral-forcechartists believed in employing methods of persuasion in achieving their demands and the physical-force-chartists in employing methods of violence to do it. The condition of the lowest classes was miserable. The

immediate effect of the introduction of machinery was dimunition in the demand for manual labour in the towns. The migration of workers from country districts to towns increased the competition among workmen and diminished their wages. Benthamites and Adam-Smithites deprecated interference with free competition and the Corn Laws kept up the price of bread. The Reform Act had not put an end to their miseries. The new Poor Law caused much hardship in the beginning. Chartism was thus an attempt to remedy social and economic evils by changing the character of parliament by making it more democratic and extending franchise to the working classes. Parliament however rejected the chartist petition which was signed by over a million supporters. There were serious riots by extreme chartists. Chartism was however temporarily put down by repressive measures. It revived in 1848.

In 1838 Cobden and Bright formed the Anti-Corn Law League in Manchester. Its aim was to alter economic rather than political conditions. It was mainly a middle class and not a working-class movement and relied upon argument rather than force. In 1841 Lord John Russell's proposal to repeal the Corn Laws, to impose a tax of eight shillings a quarter instead of the sliding scale and to reduce the sugar duty was not carried.

In May, 1839, Melbourne resigned because the Jamaica Bill which related to questions arising out of emancipation was carried by only five in the Commons. Peel was invited to form a ministry but he refused to take office unless the Whig ladies of the royal household in attendance on the queen resigned their posts. They had all been appointed from the parliamentary supporters of the ministry. Nearly all the ladies were related to the ministers themselves or their political followers. Peel thought that their influence was hostile to the new ministry. The queen

refused to adopt a course which she thought to be "contrary to usage and repugnant to her feelings." Melbourne supported her. Peel was right as it was unreasonable that the young queen should remain under the influence of the relatives of his political opponents and personal enemies. She therefore continued the Melbourne ministry till 1841 when it was defeated on the question of reduction of sugar duty and free trade and on a vote of want of confidence by one vote and parliament was dissolved. In 1840 the Canadian Act of Union, was passed embodying Lord Durham's report and granting responsible government to Canada. A Repeal Association was formed in Ireland by Daniel O'Connell.

In 1841 Melbourne resigned owing to a vote of no confidence carried by the conservative majority in the new parliament. Melbourne was a moderate Whig. He was not a statesman. His great service was that he taught the queen "the doctrines of parliamentary sovereignty, ministerial responsibility and limited monarchy which belonged to the Whig tradition." He never made a wrong use of his position for party or personal ends. In 1841 the Whig rule of eleven years ended. Though they had a majority in

eleven years ended. Though they had a majority in the Commons and passed many position of important laws, they were not a parties in 1841. united party. Melbourne was not strong enough to enforce discipline. He did not give his party a strong lead. There were serious differences of opinion in the party. Earl Grey had little sympathy with the Radicals. Mr. Stanley and Lord John Russell differed entirely as to the appropriation of Irish ecclesiastical revenues. Brougham quarrelled with his colleagues. The union with O'Connell alienated many of the Protestant middle class. On the other hand the conservative party was consolidated by Peel. There was a permanent conservative majority in the House of Lords which often rejected or modified the bills which the ministry supported. In the election of 1841 they got a majority in the House of Commons. Dread

of democracy converted many to conservatism. The Whigs had failed to appreciate the grievances of the working classes and the importance of the Anti-Corn Law movement. Their financial policy was intolerably bad according to Gladstone and their administration was weak. Their Irish policy was inconsistent and Ireland "blocked the way" of progress in England. They were also discredited by the Bed chamber question. Peel's position as regards it was accepted when he came to power in 1841.

The second ministry of Peel lasted from 1841 to 1846. It was important for the softening of class hatreds. This was the work partly of Peel's second of Peel who by his financial reforms ushered in a period of prosperity and who educated the Tory party to see the necessity of conciliating the labouring classes, and partly of the Cobdenites who, while agitating for the repeal of the Corn Laws, showed sympathy for the demands of the charter in founding the Complete Suffrage Association in 1842. In 1843 Lord Campbell's Libel Act allowed the defendent to plead the truth of a defamatory libel and that its publication was for the public benefit.

In the question of free trade and the repeal of the Corn Laws the interests of different classes were not the same. The landowners and The question of the farmers wanted to keep up the price of corn in order to secure higher repeal of the Corn rents and larger profits. The Corn Laws. Law of 1815 forbade importation of corn when the price was less than 80 s. per quarter. In 1828 the sliding scale made duty vary inversely with the price. In 1841 the Whigs proposed to fix the duty at 8s. a quarter. In 1841 both parties accepted the theory that Corn Laws were necessary. The manufacturing classes wanted cheap bread because it would enable the workmen live on less wages. The labourers also wanted cheap bread to save them from starvation.

The new Poor Law had deprived them of outdoor relief and the new machinery displaced labour and lowered wages. The Anti-Corn Law Leaguers, Richard Cobden, John Bright, and Charles Villiers, fought for the repeal of the Corn Laws. In 1842 Peel's budget accepted the principle of free trade. He saw that the wretched condition of the working classes was due partly to high prices and the extreme limits of taxation on articles of consumption, and he therefore decided to increase the revenue by remitting taxation. He imposed an income-tax for three years of seven pence in the pound and remitted taxes by removing all duties of a prohibitory character, reducing the duties on raw material to a maximum of five per cent. and those on manufactured articles to a maximum of twenty per cent. Peel's object was "to make this country a cheap country for living" and he therefore helped the fall of prices by lowering duties on imported goods. The financial position of the country improved greatly as a result of the budget of 1842. Good harvests and railway development also helped it. Peel therefore abolished all duties on raw materials except timber and tallow, removed all export duties and abolished those on about 430 articles in the budget of 1845. Peel's financial policy however displeased the conservatives who objected to free trade principles and the opponents of the Corn Laws who wanted the duties on corn to be removed. In the same year the potato crop failed in Ireland. Starvation and fever due largely to lack of food led to great mortality. Peel stated that "the removal of impediments to imports is the only effectual remedy". He had already accepted the principle of free trade but the potato famine forced his hand. It was the immediate cause of the repeal of the Corn Laws. Peel now accepted the views of the Anti-Corn Law League. The ministry was divided. Peel therefore resigned on December 5, 1845. Lord John Russell failed to form ministry. Peel was re-called and became prime minister for the third time on December 20, 1845. In 1846 the Corn Laws were repealed. This

repeal broke up the consevative party. The representatives of the landed interest which Effect of the repeal. had returned Peel in 1841 to protect the Corn Laws regarded Peel's action as "a great betrayal." Lord George Bentinck became the leader of the Protection party. Disraeli joined it. The Peelites or the Free trade Conservatives formed a new middle party. They were few in numbers but were exceptionally able men. Gladstone was one of them. They refused seats in the ministry of Russell in 1846 and of Derby in 1852. They joined Lord Aberdeen's coalition government in 1852 and some of them ultimately became leaders of the Liberals. The Peel's ministry fell in 1846 on being defeated on the Coercion Bills for Ireland which were opposed by Whigs, Free Traders, Irish members and also Protectionist Tories.

Peel was a great statesman. He saw that old Toryism which resisted all progress had been rendered

obsolete by the new conditions aris-Peel's character. ing from the Industrial Revolution and the demands of democracy. He accepted the Reform Bill and organised the Conservatives on the lines of the Tamworth Manifesto of 1834. He would not sacrifice the interests of the nation to those of his party. He twice broke up his party when its principles seemed at variance with national needs, once in 1829 when he introduced the Catholic Emancipation Bill, and then in 1846 when he repealed the Corn Laws. As a prime minister he exercised close supervision and authority over his colleagues. He was a great financier and succeeded in placing on a sound financial basis the national finances. He had great sympathy with the poor and looked after their welfare. He was an eminently just man.

The period between 1846 and 1867 was one of consolidation of parties. The first Russell ministry lasted from 1846 to 1852. It was the last Whig government.

The first Russell ham a identified himself with the causes of religious equality and parliamentary reform.

To him the question of reform was finally settled by the

Reform Act of 1832. Palmerston was the foreign secretary. In 1847 the Factory Act was passed, forbidding the employment of women and children in textile factories for more than ten hours a day. In the same year Disraeli became the leader of the conservative party. 1848 was "the year of Revolutions" in Europe. It led to the revival of chartism in England under Feargus O'Connor, when Louis Philippe in France abdicated and a French republic was set up. A million chartists proposed to march to parliament to present a petition signed by two million men in favour of chartism. Considering this to be an attempt to overawe parliament by physical force the home secretary declared the meeting of the chartists to be held at Kennington Common illegal. They were not allowed to cross the Westminster bridge. Chartism failed but many of its demands were met later on by the adoption of various measures for the amelioration of economic suffering and for extending democracy.

Lord Palmerston had given great offence to the Queen, the Prince consort who disliked him, and his colleagues by not consulting them

on important points of foreign Lord Palmerston. policy. In 1850 the Queen sent a memorandum to Lord Palmerston on the relations of the secretary of state to the crown. It stated (1) "that she required Lord Palmerston would distinctly say what he proposed doing in any given case, so that she should know to what she was giving her sanction; (2) and that having given her sanction to a measure it must not be arbitrarily altered or modified by the minister; and (3) that she expected to be informed as to what passes between Lord Palmerston and foreign secretaries, receive foreign despatches in good time and to have the drafts sent to her in sufficient time to make herself acquainted with their contents before they were sent off". Palmerston accepted the suggestions and promised to observe them In 1851 occurred the Coup d'Etat of Louis Napoleon, the President of the French Republic, who imprisoned his opponents and dissolved

the chambers. In a national plebiscite his action was confirmed and the Third Empire was declared in 1852. Palmerston without consulting the Queen or his colleagues expressed his approval to the French ambassador of Louis Napoleon's action. It was at variance with the non-intervention despatch agreed upon by the cabinet. Lord Russell therefore demanded the resignation of Palmerston. The Queen dismissed him from foreign secretaryship because he exceeded his authority and disregarded her memorandum. The constitutional right of dismissing a minister is now at the disposal of the premier and the cabinet who are thus enabled as a whole to exercise through the crown a check upon each individual member.

In 1852 Lerd John Russell introduced a Bill to revive the disorganised militia as a local force owing to suspicion of the designs of the Emperor Napoleon. Palmerston who was now out of the cabinet brought in an amendment to substitute "regular" for "local" and emphasized the need of making the militia a national force available as an army reserve. The amendment was carried. As a consequence the first ministry of Russell resigned

In February, 1852, Lord Stanley, Earl of Derby formed his first ministry, and Benjamin Disraeli became

the Chancellor of the Exchequer. As the colonial secretary in Lord Derby's first Grey's ministry he had carried the ministry. Bill for the Abolition of Slavery. He however left the Whigs in 1834 owing to his opposition to the appropriation of the revenues of the Irish church. He joined the conservative party under Peel. On Peel's adopting free trade, he resigned office and became a leader of the protectionists. He was a man of great vigour and known as the 'Rupert of debate.' Palmerston's resolutions on free trade were accepted by Disraeli and were passed by a large majority. In December, Disraeli's budget was introduced and defeated by the opposition of Gladstone who strongly objected to the increased house duty. The ministry consequently resigned.

The Aberdeen ministry lasted from 1852 to 1855. It was a coalition ministry of Whigs and Peelites who were now united for the first time. It consisted of Lord Aberdeen, Mr. Gladstone, Lord John Russell and others. Aberdeen was just, unselfish, and upright. In 1853 Gladstone's first budget was presented and passed. It reduced taxes and introduced succession duties.

The first Palmerston ministry lasted from 1855 to 1858. Gladstone joined it. It was defeated on the

Palmerston's first merston had immense personal experience. He had served as secretary of war under Tory ministries, as foreign secretary under Whig ministries and as home secretary under Lord Aberdeen's coalition ministry. He had supported Catholic emancipation and the suppression of the slave trade. He was opposed to extensive measures of parliamentary reform and to the personal influence of the crown.

The second Derby ministry included Disraeli as the chancellor of the exchequer. It lasted from 1858

Derby's second ministry.

to 1859. It was maintained because of disunion in the Liberal party. In 1858 Jews were admitted as members of parliament. Earlier attempts had failed because of the opposition of the Tory Lords, extreme Conservatives and High Churchmen. A form of oath was provided for the Jews. Property qualification for members of parliament was abolished. Disraeli introduced a Reform Bill in 1859 and the government was defeated on it. The elections returned a Liberal majority and the ministry was defeated on an amendment to the address and resigned.

The Second Ministry of Lord Palmerston lasted from 1859 to 1865 Mr. Gladstone became the Chancellor of the Exchequer and Lord John Russell, the foreign secretary. The Peelites now finally

Palmerston's second with the Whigs to form a very strong ministry. Russell's reform

property owners. The government also introduced several measures according to the Newcastle Programme. Local Veto Bill and Welsh Dis-establishment however did not pass in the Lords. It was defeated on a snatch vote on the army estimates. Rosebery resigned. In the general election of 1895 the Liberal party was defeated. The Unionists got a majority of 152 votes.

Lord Salisbury's third ministry lasted from 1895 to 1902. This was the twentieth ministry of the reign.

The Conservatives and Liberal Salisbury's third Unionists now became united. ministry. Joseph Chamberlain became the colonial secretary. His influence led to the development of imperialism. Disraeli was the advocate of the imperial idea. He wanted the closer union of the empire. He had advocated colonial self-government accompanied by an imperial tariff. He wanted to define the military responsibilities of the colonies towards Great Britain and the establishment of a colonial council in England. Imperialism was strongly supported by Lord Rosebery also. Mr. Chamberlain was a great advocate of a closer union between the colonies and the mother country. During his tenure of colonial office from 1895 to 1902 he strengthened the idea in the conferences of colonial delegates who attended the Diamond Jubilee of Queen Victoria in 1897 by discussing the questions of imperial trade and imperial defence. The workmen's compensation Act of 1897 extended compensation to workmen (excluding agricultural labourers and domestic servants). It however allowed workmen to contract out of its provisions. In 1899 was passed the government of London Act. The Act of 1888 had made London a separate administrative county under a county council but the city of London was to retain its own rights and to be governed by the corporation. The

new Act retained the privileges of the city of London and transformed the vestries into metropolitan divided into 28 boroughs, each with its council of a

mayor, Aldermen and councillors like any other county borough. The number of councillors was not to exceed 70 and to be fixed by the number of wards in the borough. The number of aldermen was to be one-sixth of the councillors.

The result of all these acts have been to distribute all the functions of local government between county councils, district councils and parish councils. They are coordinated under the supervision and control of the central authority. Trained officials have taken the place of local magnates in the administration of local affairs. In 1900 the Commonwealth of Australia Constitution Act established a federal and responsible government in Australia. In the general election of the

Queen Victoria's period.

same year the Unionists returned with a majority of 134. In 1901 Queen Victoria died on January 22. Her death closed a long eventful reign of 64 years.

It is stated of her "although she resolutely opposed any attempt to lessen the power or prestige of monarchy in Great Britain, she was the first occupant of the throne who could be called a genuinely constitutional monarch'. She took active interest in domestic politics. She believed in the liberty of the subjects and religious toleration. But she believed in class distinctions and in not changing the great institutions of government. She was in favour of the established church. She signed all important documents with her own hand. In her relations with ministers she required them to give full particulars of the measures they brought forward. She was in favour of the repeal of Corn Laws. She was however opposed to Russell's Reform Bill (1866), the Dis-establishment of the Irish Church and Home Rule. She loyally supported the minister's policy if it was supported by the majority of the people. She used her influence with the Lords in the Bill of the Dis-establishment of the Irish Church (1869) and the Reform Bill of 1885. Her long reign and great age gained for her respect and affection. The development of the spirit of imperialism made her the symbol of

imperial unity and its connecting bond. Her personal character was high and simple. Her sympathies were wide. Her outlook was broad.

During her reign developed the two great modern parties, namely, Liberals and Conservatives. The Liberals advocated ideas of liberty The two parties.

and progress They believed in the extension of suffrage, local self-government, representative and responsible government in the colonies, and other social, religious, economic and educational reforms. Their sympathies were with the people. The Conservatives advocated the maintenance of the constitution against the encroachments of democracy. They would improve institutions but would not destroy or change them. The land, the church and the law were their strongholds. Their sympathies were with authority and traditions, classes and national institutions. Disraeli had stated in 1867 "in a progressive country change is constant and the great question is, not whether you should resist change which is inevitable, but whether that change should be carried out in deference to the manners, the customs, the laws and the traditions of a people, or whether it should be carried out in deference to abstract principles and arbitrary and general doctrines. The one is a natural system. The other is a philosophic system". They had accepted however the postulates of democracy.

Owing to the obstructionist tactics of the Irish party the House of Commons introduced new rules of procedure in 1882. This led to the rigidity of party ties. On every division party members had to vote for the party. Every question became a question of vote of confidence in the party. Independent action of members had no place. The opposition only opposed or embarassed the government. There was no question of cooperation. Consequently party organisations strengthened. The Union of conservative and constitutional Associations was

founded in 1867. Its object was to strengthen the hands of the local associations. Its work was to help in forming such associations and in giving them information. It met annually in different places. It was reorganised after 1880. Party funds were placed in the hands of the central committee which was a body created in 1880 and consisted of the whips and certain other members appointed by the official leaders. In 1877 was organised the Liberal Federation. It did similar work. In 1883 Chamberlain who was its active spirit advocated, while he was a minister, an extensive scheme of radical reform comprising dis-establishment, manhood suffrage, equal electoral districts and payment of members. His colleagues however did not agree with it. The Newcastle Programme of the Liberal Federation was formulated in 1886. It consisted of Home Rule for Ireland, Dis-establishment of the church in Wales, electoral reform, payment of members, land reform, local veto, taxation of land values, and the ending or mending of the House of Lords. There was however nothing in this programme which went directly to help the welfare of the working classes.

The modern Conservative party believes in protection. It revolted against the free trade proposals of the old Conservative government. Modern Conservative 1903 Mr. Joseph Chamberlain who was a Liberal Unionist and had joined the Conservative party advocated economic imperialism and imperial preference. His programme was not however authorised by the party. He wanted to bind the empire by a system of preferential tariffs and to protect British industries by general and penal tariffs against foreign competition. Mr. Chamberlain's proposals broke up the Unionist party just as Mr. Peel's proposals to adopt free trade and to repeal the Corn Laws had broken up the Conservative party in 1846. The Conservatives dislike change but reluctantly accept it when compelled by circumstances to do so. They believe in slow and evolutionary change.

The third party of Labour which is now important and permanent in English politics owes its rise to the activities of trade unions and Labour Party. socialist associations. In 1893 an Independent Labour Party was formed in order to unite the various socialist organisations in the country for common action. Their aim was "the collective ownership and control of the means of production, distribution and exchange". Their political method was that of parliamentary action, that is, representation of the people in the House of Commons "by men in favour of the object of the party and rigidly pledged to its policy". Their immediate programme was eight hour's day, unsectarian education, work for the unemployed, abolition of piece-work, or overtime-work, and of employment of children under fourteen, extinction by taxation of unearned incomes, universal disarmament, women's suffrage, municipal control of the drink, traffic and hospitals and triennial parliaments The Independent Labour Party and the Trade Unions in the Trade Union Congress of 1899 founded the Labour Representation Committee when there was felt the need of sending more representatives to parliament. A conference of delegates of Trade Unions and Socialist Associations met in 1900 to devise means for securing an increased number of labour members to parliament. The name of the Labour Representation Committee was changed to that of the Labour Party in 1906 when a large number of labour members were returned to parliament. The organisation of labour is known as the federation of trade unions, trade councils, socialist societies and local labour associations. Its object is "to organise and maintain a parliamentary Labour Party with its own whips and policy" and to promote the election of candidates for whose candidature an affiliated society has made itself financially responsible.

## CHAPTER XI.

## THE HANOVERIAN PERIOD (1901-1931).

4. The Supremacy of the Commons and the Development of Universal Suffrage and Dominion Status.

Edward VII reigned from 1901 to 1910. He was born in 1841. Queen Victoria did not give him any share in the affairs of government. Edward VII 1901-As Prince of Wales, however he 1910. interested himself in philanthropic and social work and in sports and travels. When he became king he acted as a strictly constitutional monarch and fully supported his ministers, even when he disapproved of their policy. He was on very good terms with all his ministers. In domestic matters he tried to reconcile the differences which had arisen in the Balfour's cabinet in 1905 and to induce the Lords to withdraw their opposition to the People's Budget in 1909. He, however, failed in these. In foreign affairs the influence of his personality was used in the formation of alliances and ententes. But it cannot be said that he enunciated the principles or initiated the details of British foreign policy.

In 1902 Lord Salisbury who was the prime minister resigned and the Unionist government was reconstituted with Mr. Balfour as prime minister. Lord Salisbury died in 1903. He was a great conservative and believed that "it is better to endure almost any political evil than to risk a breach of the historic continuity of government". He was opposed to the increasing demands of democracy. He had opposed the Reform Bill of 1867, the abolition of Army purchase, the University Tests Abolition Bill, the Irish Home Rule and the new democracy of Randolph

Churchill. He can be said to be the last political leader of the old aristocratic conservatism.

The Balfour's ministry lasted from 1902 to 1905. Joseph Chamberlain continued as colonial secretary.

The Liberal Party had not grown Balfour's ministry. strong. There were differences amongst its members about the Irish Home Rule, Imperialism, and the Boer War. In 1902 the Education Act was passed. It established a single authority for primary, secondary and technical education, namely, the County Council in the bounties and the Borough Council in county boroughs, working through committees selected by the council. It was empowered to levy a rate. Voluntary schools were placed on the rates. One-third of the managers of such schools were to be appointed by the County Councils and Borough Councils. This Bill was opposed by Liberals and resented by non-conformists. In 1903 Chamberlain started a campaign for tariff reform. He advocated a rearrangement of tariffs and the establishment of a common fiscal policy for the Empire. He wanted to bind the colonies more closely to Great Britain and stated that tariff reform would help to develop the resources of the colonies, give cheaper food and more employment at home and make England less dependent for her supplies upon foreign countries. He also Chamberlain's tariff advocated protection of home inreform and the split in dustries and retaliation against foreign competition. Free Traders the Unionists party. strongly objected to any measure of protection, and believed that it would lead to higher prices, that it would cause difficulties between different parts of the empire and between different industries at home. They also thought that it would endanger friendly relations with foreign powers. The tariff reform question led to the resignation of all free traders from the cabinet. Chamberlain also resigned to carry on tariff reform propaganda. Thus the Unionist Party got split into two sections on this question. A Tariff Reform League was formed and Mr. Chamberlain who was its president

preached the cause of Tariff Reform throughout the country in a great propaganda. He was opposed by Liberal and Conservative free traders amongst whom were Mr. Asquith, Mr. Harcourt and Lord Gosehen. They attacked the new policy of taxation of food which would increase its price. The prime minister, Mr. Balfour, did not give a strong lead to his party. He had no settled conviction on the question. He did not think that the people wanted taxes on food. He stated that taxation should be imposed only for revenue and that there should be closer commercial relations with the colonies. In 1905 Balfour dissolved parliament. The country did not support tariff reform. The government was defeated in the general election. The Liberals secured 397 seats and the Conservative and Liberal Unionists 157, the Irish Nationalists 83, and Laborities 51. The weak leadership of Balfour and the tariff reform split were the chief causes of the defeat of the Unionists.

Campbell-Bannerman's ministry lasted from 1906 to 1908. He was the first to be formally recognised as the prime minister. Mr. Asquith Campbell-Bannerman's became the Chancellor of the Exministry. chequer, Sir Edward Grey, Foreign Minister, Mr. Lloyd George, President of the Board of Trade, Mr. John Morley, Secretary of State for India, Mr. John Burns, who was a Labourite, President of the Local Government Board, and Mr. Haldane, Secretary for War. It was supported by Liberals, Labonrites and Irish Nationalists. In 1906 the Trades Disputes Act was passed. It provided that actions legal for an individual should be legal for a combination of individuals and that trade union funds should not beliable to actions for damages. There was also passed the Workman's Compensation Act.

The theory of laissez faire, that is, freedom of contract and liberty of individual action had gained acceptance in England at the end of the eighteenth century, owing to the prosperity brought about by the

Industrial Revolution, to Adam Smith's doctrine of industrial freedom and to the doctrine of liberty advocated by the French Revolutionists. The Manchester school of Cobden and Bright had accepted the theory in their agitation for free trade. Writers, like Mill of the individualistic school, would not advocate state interference in the liberty of individual action except for protection. But the theory of laissez faire led to unlimited and unfair competition and caused great hardship to those who were unable to secure fair contracts, especially women and children. State had to interfere to protect the weak from the unfair exploitation of the strong. Hence it passed factory acts in the nineteenth century to remove intolerable hardships which children and women had to suffer as regards the length and amount of work and the conditions of work. State also allowed the development of trade unions of labourers to improve themselves and to secure collectively better conditions of work and labour from their employers. They agitated for higher wages, shorter hours of work and abolition of piecework. The legal disabilities of trade unions were removed by the state. The Trades Union Act of 1871 recognised their legality and made their officials liable to legal penalties for the misuse of union funds. The Employers' and Workmen's Act of 1875 made a breach of contract only a ground for civil action and allowed peaceful picketing. Thus state had accepted the policy of interference, regulation and control in matters of labour.

The Liberals were advocates of this policy and tried to introduce reforms in social and economic matters.

The Liberals and the House of Lords.

But the House of Lords.

But the House of Lords which was largely conservative did not support the Liberals in their programme and policy. In 1906 the Education Bill which provided for the public control of all public money spent on education and the abolition of religious tests for teachers had to be withdrawn owing to the amendments of the House of Lords. The Plural Voting Bill, which laid down the principle of 'one man one vote' and prohibited

an elector from voting in more than one constituency, though passed by the Commons was thrown out by the Lords. A few other bills were also rejected. Campbell-Bannerman charged the Lords with "neutralising the policy which the electors have shown they approve", and carried a resolution that "a way must be found by which the will of the people, expressed through their elected representatives in this house, will be made to prevail".

The Budget of 1907 imposed a tax of nine pence on earned and one shilling an unearned incomes and imposed a supertax on estates of more than £ 100,000. These provisions introduced new principles of taxation as applied to income.

In April 1908 Campbell-Bannerman resigned owing to ill-health and died a few days after. Mr. Asquith became the prime minister and Asquith's first Lloyd George, the chancellor of the exchequer. The tenure of this ministry. Liberal ministry is remarkable for the social legislation of importance it introduced. Lloyd George was its great advocate. He asserted that "we have other enemies (than war) to fight, intemperance, ignorance, crime, vice, and that most dreaded of all invasions that sooner or later enters every home. Are the dominions of death not wide enough that the nations should spend four hundred millions a year in extending them?" The government got passed the Old Age Pensions Act, the House and Town Plannine Act, the Children's Act and the Coal Mines Act in 1908, and established Labour

the Licensing Bill in 1908.

But the real contest arose between the House of Commons and the House of Lords on the Budget of

Exchanges to diminish unemployment. The House

of Lords however rejected its other legislation, namely,

The Budget of 1909 and the House of Lords.

1909. The cost of Old Age Pensions and increased expenditure on the navy necessitated larger revenue. In the People's Budget of 1909 he

proposed to increase the rate of income tax payable on large incomes, by imposing a supertax on incomes of £ 5,000 and upwards, to raise the tax on spirits, tobacco, and public house licenses, to levy a tax of 20 per cent. on "unearned increment" in the value of land which had become more valuable not through the efforts of the landowner, but owing to the extension of neighbouring towns; to impose a tax on mineral royalties and on undeveloped land. The taxes on unearned increment, leasehold reversions and licences were defended on the ground that these were "socially created values". This idea involved a new socialistic principle of taxation. The Liberals suggested a change in the incidence of taxation and the conservatives a change in tariffs to meet new economic and social needs. In the budget superfluous wealth or rich men were taxed in order to ameliorate the lot of the poor and to promote social reforms. Brewers, landlords and other vested interests however protested. Mr. Lloyd George defended the government's proposals with great vigour. He stated "we are placing the burden on the broadest shoulders." The Lords claimed their right to reject the budget on the ground of its not being purely a money bill. This was contrary to constitutional usage. If this claim was admitted, the Lords would be able to force a general election at pleasure by rejecting the budget. Mr. Lloyd George in another speech remarked "whether five hundred men, ordinary men, chosen accidently from the unemployed, shall override the judgment of millions of people who are engaged in the industry which makes the wealth of the country". On November 4, the Budget passed the Commons, and November 16, it was rejected by the Lords by 350 votes to 75 in spite of the advice of the more cautious members. On December 2, 1909 Mr. Asquith carried a resolution in the Commons denouncing the action of the Lords as "a breach of the constitution and a usurpation of the rights of the Commons." Parliament however had to be dissolved. In the appeal to the country the Liberals asked for a vote in support of the budget.

They asserted that the control exercised by the Lords over finance must be destroyed and their veto over legislation, recently used to obstruct or reject liberal measures, must be made only suspensory and not absolute.

The constitutional position of the Lords with regard to legislation they disapproved but which was suppor-

The constitutional position of the House of Lords.

ted by the ministers of the crown, the House of Commons and the people was definitely settled in 1831 and 1832 at the time of the Reform

Act. The House of Lords would be an un-controllable oligarchy acting against the crown, the House of Commons and the people, if it could reject their legislation without any check. Earl of Grey had stated in 1832 "I say that, if a majority in the House (of Lords) should have the power of acting adversely to the crown and the Commons and was determined to exercise that power, without being liable to check or control, the constitution is completely altered and the government of this country is not a limited monarchy, it is no longer, my lords, the crown, the lords and the commons, but a House of Lords—a separate oligarchy governing absolutely the others." The House of Lords was expected to be not a coordinate legislative power but a revising and suspending House, altering and modifying bills sent from the House of Commons and rejecting them sometimes when the country had not made up its mind, but yielding to the people's will whenever it was unequivocally expressed. In 1846 the Earl of Derby had said, "my lords, if I know anything of the constitutional value of this house, it is to interpose a salutary obstacle to rash and inconsiderate legislation: it is to protect the people from the consequences of their own imprudence. It never has been the course of this House to resist a continued and deliberately formed public opinion. Your lordships always have bowed, and always will bow, to the expression of such an opinion, but it is yours to check hasty legislation leading to irrepable evils." In

the same manner, Lord Lyndhurst in 1858 had stated in the House of Lords, "it is part of our duty to originate legislation: but it is also a most important part of our duty to check the inconsiderate, rash, hasty and undigested legislation of the other house—to give time for consideration, and for consulting and perhaps modifying the opinions of the constituencies, but I never understood, nor could such a principle be acted upon, that we were to make a firm, determined and persevering stand against the opinion of the other House of parliament, when that opinion is backed by the opinion of the people, and least of all, on questions affecting, in a certain degree, the constitution of that House and popular rights."

The natural sympathies of the Lords were with the Conservatives. Their hereditary rights, their property ownership and their social connections strengthened their spirit of conservatism. As long as the crown and the upper classes dominated in the gov-

crown and the upper classes dominated in the government of the country and in the control of the House of Commons the contests between two Houses were not many and serious. They were easily accommodated. They related to matters of privileges, such as initiation of taxation, appellate jurisdiction (1675), election disputes (1704). But since the Reform Act of 1832 the Commons being more dependent upon the electorate, the harmony between them and the Lords decreased. The House of Lords had been largely recruited from the Tories from 1760 and thus became largely Tory. The dissolution of parliament meant only the dissolution of the Commons. The Lords are not affected by it. The only way therefore to change the character of the Upper House was the creation of peers by the crown on extraordinary occasions. Otherwise there would be a permanent opposition to the Liberal Party in the House of Lords which would obstruct, delay or destroy all liberal reforms and changes, and look after the interests of Conservatives.

The election of January, 1910, returned the Liberals to power, but their majority was greatly reduced.

Asquith's second support the Budget, to oppose the Tariff Reform and to limit the

power of the Lords. The Liberals had no absolute majority as before. They were however supported by Irish Nationalists and Labourites on whose allegiance their success depended. The Budget was reintroduced and carried in the Commons by 324 votes to 231, and was accepted by the Lords on April 28th. Thus the crisis over the Budget ended. But the government was determined to reform the House of Lords. The House of Lords also saw the necessity of reform and passed resolutions in favour of reform and reconstitution. The Commons passed resolutions denying the right of the Lords to veto a money bill passed by it, and affirmed that the general right of the House of Lords vetoing legislation should be modified. These resolutions were embodied in a Parliament Bill (1910) which provided for the abolition of the power of the

Parliament Bill. Lords to reject a money bill and for the suspension and not rejection of any other legislative measures passed by the Commons. Any public bill, other than a money bill, passed by the Commons in the lifetime of a single parliament in three successive sessions and rejected by the Lords was, on its rejection for the third time by the Lords, to be presented to his majesty and to become an Act of parliament on receiving the royal

assent.

After Edward VII's death on May 6th 1910 there took place a veto conference in which both parties were represented. But the conference failed. In November, Asquith informed the new King George V that the ministers could not advice a dissolution, unless "His majesty will be ready to exercise his constitutional powers which may involve the prerogative of creating peers" to ensure that the policy of the

government should be carried into effect if approved by the House of Commons. The king gave the guarantees desired and the government dissolved the parliament and appealed to the country. An extraordinary creation of peers was in the case of the House of Lords like the dissolution and new election of the House of Commons. The use of this device in an emergency was not only constitutional but also essential to the safety and smooth working of the constitution itself.

The election of December, 1910 returned 272 Liberals, 271 Unionists, 76 Nationalists, 42 Labourites, and 8 independent Nationalists. The government brought in the Parliament or Veto Bill.

Asquith's third of rejecting Bills which were certified by the Speaker of the

House of Commons to be Money Bills; and a Money Bill was to become an act of parliament if it was not passed by the Lords within one month after receiving it from the Commons. Any other public Bill passed by

the Commons in three successive sessions whether of the same parliament or not, and rejected by the

House of Lords each time was to become an act of parliament on the third rejection, provided the passage through the House of Commons had occupied two years from the second reading in the first session. Another provision was that parliament was to sit for five years instead of seven as provided by the Septennial Act. The Bill passed the House of Commons. The House of Lords ultimately passed it on August 10, 1911, by a majority of seventeen. Most of the Unionist members had stayed away. The Parliament Act deprived the House of Lords of all legislative power in of respect money bills, and in respect of other public bills it gave it merely a suspensive veto for two years. The Act created a constitutional revolution in the relations of the two Houses. The House of Commons became the sovereign power in the government. This led to a tendency of the power of the party and the cabinet to increase.

In 1911 the Insurance Act was passed, providing insurance in the case of sickness, maternity, and unemployment. Another Act intro-

the ministry.

employment. Another Act introduced the payment of members of the House of Commons by giving

each member £ 400 a year. Formerly knights of the shire were paid four shillings and burgesses two shillings per day in addition to travelling allowances. The measure was supported on the ground that poverty should not prevent any elected member from attending parliament. In 1913 the Welsh Dis-establishment Bill was passed by the Commons and in 1914 by the Lords. It provided that the Anglican Church in Wales should be dis-established and partially dis-endowed. Most of the Welsh were nonconformists. In 1914 the Irish Home Rule Bill was passed by the Lords. But it was suspended by another Act during the war which caused great disappointment to the Irish. The Plural Voting Act of 1913 prohibited an elector from voting in more than one constituency and reduced the period of residence necessary for a vote. The Trade Union Act enabled the unions to undertake any lawful policy.

In 1914 the Great War broke out. The government passed the defence of the Realm Act. It enabled the

First national coaliion ministry under Mr. Asquith. executive to exercise all restraint and interference with Common law rights without closing the courts.

The Unionist party supported the Liberal government in its war policy. The Labour Party and many Liberals, though opposed to war in theory, did not oppose the government. Only three ministers Lord Morley, Mr. John Burnes, and Mr. C. P. Trevelyan resigned office. In 1915 the Liberal ministry was reorganised and a national coalition ministry was formed in May without any adverse vote or new election. It consisted of thirteen Liberals, eight Unionists and one Labour member. It included all the chief leaders of parties. The opposition was not there. Mr. Asquith continued to be the prime minister. In November 1915

the War Committee with five or six members was established, as the cabinet proved too large for quick decisions in time of war. It acted more or less as an inner cabinet settling most important questions. This government remained in power till December 1916. In July 1916 the War Committee consisted of seven members, reinforced with experts and advisers who were constantly invited to attend its meetings.

In December 1916 the second coalition ministry was formed with Mr. Lloyd George as prime minister.

ministry under Mr. Lloyd George.

He had proposed to Mr. Asquith Second coalition previously that the War Committee should be limited to four and was to exclude him and that he would

retire from government unless very thorough-going changes were made. Mr. Asquith did not agree and resigned. Mr. Bonar Law who was the leader of the Unionist party could not form a ministry. Consequently Mr. Lloyd George became the prime minister and formed the new coalition ministry. Mr. Asquith resigned without any adverse vote of the House of Commons or a new election. The nation however supported the new ministry. The cabinet lasted from December 1916 to December 1918. Its main object was to carry on the war successfully and to organise well for it. A new War Cabinet of five was therefore formed for the purpose of efficiency.

War Cabinet. It became the real cabinet both for military and ordinary affairs. Most of its members held no administrative offices. The heads of departments of cabinet rank were invited and sat as full members of the cabinet when their matters were discussed The needs of the war also created new departments, under the control of the war office, of shipping control, national service, food control, pensions, munitions, blockade etc.

The war thus led to the dominance of the executive and to the concentration of power and unity of control in the matter of government, and to the suspension of constitutional guarantees and safe-

Results of the war on guards in the matters of individual liberty, and of constitutional conventions in the relations and work-

ings of the machinery of government. All power was practically concentrated in the War Cabinet. Parliament was neglected. The solidarity of ministerial responsibility seemed to disappear. Advisers and experts were admitted to the cabinet, and its proceedings did not remain secret and unrecorded. A secretariat was organised. It kept regularly minutes of its proceedings and the report of its work were published. The Home Rule Act for Ireland and the Welsh Disestablishment Act were suspended. No controversial legislation was passed. The provision of quinquennial parliament was also suspended. Parliament which was elected in December 1910 continued to exist till December 1918. In 1915 the provision relating to the reelection of members appointed to the cabinet was also suspended. In the same year was passed the Defence of the Realm Act which controlled the liberties of individuals. During the war period the principle of state control of industry rapidly developed. Mines and shipping were also brought under its control. State control was extended to other aspects of nation's life.

The War Cabinet was thrice made into an Imperial War Cabinet in 1917 and twice in 1918, when Dominion prime ministers were invited "to attend a series of special and continuous meeting of the War Cabinet", and when the Viceroy of India was asked to send Indian representatives to assist the Secretary of State for India in these meetings. These members were full members of the cabinet for the purposes of imperial world policy. During this period was also held an imperial conference on the old lines where the colonial secretary presided. Its functions were merely advisory. The War Cabinet ended in 1919 after the war. The old cabinet resumed

its position and powers. Thus war experiments dis-

appeared.

In 1918 the Representation of the People Act was passed. It was the fourth Reform Act. Since the Reform Act of 1884 there have been demands for the

extension of franchise and electoral Fourth Reform Act reforms. There has been great agitation on behalf of women for

female suffrage. In 1867 Mill had advocated their cause in parliament. Since 1870 the question was repeatedly raised in the House of Commons. In 1906 the movement was strengthened by the foundation of the women's social and political union. The supporters of the movement were called suffragettes.

movement.

They adopted both constitutional and unconstitutional methods to gain their object. Suffragettes

made every effort to get parliamentary support. A number of members elected in 1906 promissed their support. In 1912 there was a private Bill brought in the House of Commons to confer the parliamentary franchise on women but it was defeated by a majority of fourteen, though the principle of the unfranchisement of women had been accepted by it four times since 1907. The Labour Party adopted women's suffrage as part of their programme. Both the Liberals and the Conservatives were divided on the question. As parliament did not accept their demands, the suffragettes adopted constitutional methods. They created disturbances at public meetings. They refused to pay fines for breaches of law and peace. In 1908 they raided the Downing Street and broke the windows of ministers who opposed their demands. Their numbers increased rapidly. The Women's Freedom League made great efforts to promote their aims. On October 13th, 1908 they stormed the House of Commons and disturbed a debate with shouts of "votes for women". These militant methods. were suspended when the prime minister gave in November 1910 a promise to "proceed effectively" with

a Bill to enfrachise women. But in December 1911 he declared that "the grant of parliamentary suffrage to women would be a political mistake of a very disastrous kind". Consequently the suffragettes again resorted to violent methods in 1912-1914. They smashed the jewel case in the Tower, let off explosives in empty churches, and nearly destroyed the coronation chair in Westminster Abbey with a bomb, cut pictures in the national gallery and set the contents of post boxes on fire. In 1913 a suffragette threw herself in front of the Kings's horse as it was running in the Derby and was killed. When imprisoned they went on hunger strike. During the war, however, women did good work in various fileds of public service and especially in munition factories. They took a full share in the national effort. This work of theirs made the grant of franchise inevitable. In 1916 a conference composed of thirty members of both houses, representing the various shades of political opinion in parliament and the country and presided over by the speaker was set up to consider the question of parliamentary reform. Its scheme formed the basis of the Representation of the People Act of 1918. It lowered the age qualification for men to twenty-one thus estab-Provisions of the

and required residence of only six months. It established a uniform franchise for county and borough constituencies. The franchise was given to all adult males possessing the qualifications either of residence in the constituency or of the occupation of business premises in the constituency. It gave the parliamentary franchise to women of not less than thirty years of age who were local government electors, or the wives of such electors, or who possessed University degrees or their equivalents. It gave facilities for voting to soldiers and sailors on active service, forbade plural voting and required all polls to be taken on one day. Candidates polling less than one-eighth of the votes were to forfeit their deposit of £150. Conscientious objectors were to be disqualified from

lishing universal manhood suffrage

voting for five years. No one was to be disqualified owing to receipt of poor relief. It introduced a new principle of distribution of one member for every 70,000 persons in Great Britain and for every 43,000 in Ireland. This Act increased the number of electors from eight to sixteen millions of whom six millions were women. Another Act of 1918 allowed women of twenty-one and above to stand for the House of Commons. But in 1922 the House of Lords decided against the claim of Lady Rhondda to sit in the Lords as peeress in her own right.

Properly qualified women had long enjoyed the right of voting in local elections. In 1907 an Act was passed allowing women to bewomen and other come members of County and Borough councils. In 1920 women were admitted to degrees at Oxford.

The Representation of the People Act of 1918 also regulated the local government franchise. A person is entitled to be registered as a local government elector for a local government electoral area if he or she is of full age and not subject to any legal incapacity, and (a) is on the last day of the qualifying period of three months occupying as owner or tenant, any land or premises in that area and (b) has during the whole of qualifying period so occupied any land or premises in that area. A lodger who occupies rooms unfurnished is regarded as tenant. The husband or wife of a person entitled to be registered in respect of premises in which they both reside is also entitled to be registered.

The Education Act of 1918 raised the leaving age to fourteen or at the discretion of local authorities to fifteen. It provided for the establishment of compulsory day continuation schools for young persons upto eighteen. It prohibited the employment of children under twelve. It arranged for the medical

inspection of secondary schools, and abolished all fees in elementary schools.

During the war the Labour Party as a whole supported the government. They had no definite programme, there being differences between the Independent Labour Party which was socialist and the non-socialist party of Trade unionists. The extremists amongst them adopted a pacifist policy. Some Labourites who were Trade Unionists became cabinet members and were in the War Cabinet. In 1918 the Labour Party adopted formally a comprehensive socialist programme dealing with home and foreign affairs. At the general election of 1918 only 63 Labour candidates were elected, although they polled two million votes as compared with 502 coalition candidates elected by five million votes. 73 Sinn Fein members from Ireland never took seats. Hence the Labour Party became his majesty's opposition.

The general election gave an overwhelming majority for the coalition ministry. Mr. Lloyd George remained the prime minister. In October,

Third coalition 1919, however the old system of Cabinet was introduced and war forms were given up. The cabinet included nineteen members who were the heads of the most important departments of the government. Mr. Lloyd George remained in office chiefly through the

support of the Conservatives who were in majority in parliament.

In 1919 an Act established legal equality of sexes, providing that no woman was to be disqualified by sex or marriage from exercising any public function, from holding any civil position or from carrying on any profession. In 1920 was also passed an unemployment Insurance Act which applied compulsory insurance to nearly all grades of workers.

In the same year the Government of India Act was passed. It introduced an element of responsible

government in the provinces in certain transferred subjects, whilst retaining government control in central subjects and reserved subjects. In 1920 the Emergency Powers Act was passed, empowering, in the event of action taken or threatened to deprive the community of essentials of life, the government to declare a state of emergency by proclamation. It is in force for a month but may be renewed. Such a proclamation must be immediately laid before parliament. These powers were used in the general strike of 1926. In 1922 Southern Ireland became a 'Free State' and secured dominion status and the northern Ireland chose Home Rule on the basis of the Home Rule Act of 1920. In the same year Lloyd George was compelled to resign.

The general election returned a Conservative majority. Mr. Stanley Baldwin became premier. A

dissolution of parliament, however, took place in 1923 in order to find out the public opinion on the subject of tariff reform favoured by the Baldwin ministry. The result was unexpected. The Conservatives won a plurality not a majority of seats. The Labourites came second and the Liberals a bad third. The Liberals refused to form a coalition with the Conservatives. They consented

MacDonald's cabinet. to Labour taking office. Therefore in January, 1924, a Labour cabinet came into office with Mr. Ramsay MacDonald as premier. The advent of Labour to office caused a great sensation. For the first time the government of the empire was in the hands of socialists. After the war the Labour Party which had been largely trade unionist in membership was reorganised on a broader basis. It appealed to all who 'live by working' as against those who 'live by owning'. It adopted a

Character of the Labour Party.

Socialist policy but avoided Marxian phraseology and doctrines. Its purpose was "to secure for the producers by hand or by brain the full fruits of their industry and the most equitable distribution thereof

that may be possible, upon the basis of the common ownership of the means of production and the best obtainable system of popular administration and control of each industry and service". It immediately demanded the nationalisation of mines, land, railways, and electric power; a national minimum-wage law, and the adoption of the principle of the right to work or maintenance."

The character of British Labour Party was moderate and not extreme. It grew because it was opposed to class war and was in favour of changes by "parliamentary means and in progressive stages". It did not advocate confiscation. Compensation was to be paid to the owners when any industry was nationalised. It strongly repudiated communism which was repugnant to English traditions and methods. It was monarchist and imperialist in sentiment and favoured the maintenance of English monarchy and British Empire which latter was to be developed progressively on the lines of local autonomy. Premier MacDonald was cautious in his policies and urged only those measures which would meet the approval of parliament, otherwise his ministry and radical measures would be overthrown by the united opposition of Conservatives and Liberals. But the ministry was defeated in October 1924 by the combination of the Conservatives and Liberals owing to some suspicion and uneasiness caused by its tendencies towards communism and revolution. Parliament was consequently dissolved. The new elections returned Conservatives to power. They had used a forged letter attributed to Zinoviev for discrediting the Labour Party at the election and they succeeded.

Baldwin's second ministry lasted from 1924 to 1929. It inaugurated tariff reform in 1925, imposing duties on

Baldwin's second luxuries and giving preferential rates for colonies. It abolished tenures of feudal origin and established only two forms of holding land, freehold and leasehold.

The Old Age Pensions Law, the Workmen's Compensation Act and the National Insurance Act were revised.

Mr. Baldwin denounced the general strike of 1925, caused by a proposed reduction of wages and an increased number of hours by mine owners, as an attack upon the power of parliament and upon the rights of the nation. He declared that the government was bound to intervene in a situation which affected the whole people though the issue was between private parties. At the request of the government the general strike was called off by the labour leaders after nine days. The property owing classes condemned organised labour as communistic. In 1927 parliament passed a new Trade Union Law. Its object was to curb the influence of trade unions. It declared illegal all strikes whose object was to coerce the government either directly or by inflicting hardship on the community, and also all strikes that had 'any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged". Trade unions were forbidden to punish any member who refused to participate in an illegal strike. Picketting was virtually prohibited by making it unlawful for pickets to persuade or induce any one from abstaining from work, if done in such a manner as to intimidate him or his dependents. An illegal strike rendered a Union liable for damages and the strikers to punishment. Trade-union members were not obliged to contribute to the political fund of the Union unless they specifically contracted to do so. Hitherto they had been obliged to contribute unless they had specially contracted not to do so. Government employees were forbidden to join unions.

In 1927 was also passed a comprehensive Unemployment Insurance Law. It compelled nearly all manual workers to insure against unemployment. The fund was made up of contributions by the employer, by the employee, and by the state. The government tried to safeguard its home market and industries by a policy of protection and tariff duties and also by encouraging rationalisation in industries.

In 1928 the Representation of the People (Equal Franchise) Act was passed. It placed women on the same footing as men in respect of the franchise.

The present qualification for the

franchise depends on the Acts of 1918 and 1928. The franchise can be exercised by all adults possessing any of the following qualifications (1) residence, (2) occupation of business premises of annual value of £ 10, (3) being the husband or wife of any occupier of such business premises, and (4) in the case of universities being a graduate. The ownership qualification is abolished, and also plural voting save in a limited form. A person may vote at a general election in two constituencies, in one by reason of his residence, and in the other by reason of his business or of his University qualification. Thus this Act established universal suffrage, equal as between men and women

The Representation of People's Acts of 1918 and 1928 have also created an uniform local government franchise for elections of County Councils, Borough Councils, Urban and Rural District Councils and Parish Councils.

In the elections of 1929 the problem of unemployment was the sole issue. The Labourites proposed to

solve it by socialising some industries and consolidating others. Mr.

Liberals advocated a comprehensive plan of building

public works to ease the situation till the trade revived. The result of the election was that the Labour party won 289 seats, the Conservatives 259 and the Liberals only 58. Thus the Labourites did not have a majority in the Commons. The Liberals, who had received this time increased support from the evoters, decided to support the Labourites in office, on the condition that they were not to introduce socialistic measures. Mr. MacDonald again became prime minister. Miss Margaret Bondfield was given the post of minister of

Labour. In 1929 was passed the Local government Act which without altering the general scheme of local government removed certain defects resulting from the enormous changes in the conditions of life which had taken place after 1894. In order to widen the area of charges and better to distribute the burden, the poor law and road functions of small local authorities were given to the county. Boards of guardians were to be abolished and their powers transferred to county boroughs and county councils. Rural district councils were to cease to be highway authorities. County councils were to take over all roads. They were also required to review at regular intervals local government areas in the county, to abolish inconvenient districts and parishes and to create new districts where necessary.

The economic situation got worse in England and the government was not able to solve the unemploy-

Mational coalition Ministry under Mr. MacDonald. ment problem. In September, 1931 the Labour government resigned and a new national coalition government was formed. The con-

MacDonald remained the prime minister. The Labour party lost a very large number of seats. The opposition holds a small number of seats in the House of Commons. In December, 1931 the government passed the Statute of Westminster which defined and legalised the conception of Dominion status and certain resolutions of Imperial conferences of 1926 and 1930 relating to it.

The ministry still continues in 1934 to hold office and to carry on government.

The sovereignty of the king-in-parliament is the chief characteristic of the English constitution. It extends over the whole of the King-in-Parliament. British Empire, though now limits are laid down to its exercise under the Statute of Westminster (1931) in the case of self-governing

dominions. There are however some tendencies which menace parliamentary supremacy. Parliament now leaves more and more discretion to administrative departments and ministers, because of the complexity of new problems and matters to be dealt with. It is thus delegating legislative power to them which entitles them to make rules and bye-laws. In some cases it leaves judicial or quasi-judicial power with them by excluding the interference of ordinary courts in their decisions.

The king is the ceremonial centre of the British constitution and the 'golden link' between the several is the centre and symbol on unity. He is formally the supreme executive authority important appointments. He is an authority. His integral part of the supreme legislative authority. His assent is required to all acts of parliament. He is the fountain of honour and the fountain of justice. He is the supreme head of the church of England. He is the commander of the forces of the military and naval forces. He embodies in his person the dignity and unity of the state. He is the sole representative of the nation in international dealings. Legally these are his powers. But now he is not the efficient but the dignified part of the constitution. His work is done by his ministry and council. He cannot do it independently. His powers are limited by parliament. They operate through and along the lines approved by parliament. He is the constitutional monarch, ruling according to the rules and customs of the constitution. The king however has the undoubted right to choose the prime minister. The individual on whom his choice falls is generally the leader of the party commanding a majority in the House of Commons. He summons, prorogues and dissolves parliament. Though the power of summoning is limited by statute, the king still retains the right to dissolve parliament or to refuse to dissolve it. The power to create peers is still with him. In the use of all prerogatives the

king is guided by the advice of his ministers who are responsible to parliament for his official actions. This is embodied in the maxim "the king can do no wrong." The law does not admit the incapacity of an infant king. The death of the king has no effect on tenure of office of any kind or on the duration of parliament. The king personally enjoys the immunity of the crown from legal process. Neither civilly nor criminally is he liable. Any claim against him must be made by a petition of right. His consent is necessary to proceedings. No execution can be levied against him. His person is protected by the law of treason.

He has to play some official part in administration. For every one of his official act ministerial authority is essential. His formal approval by signature is necessary for many kinds of documents. He has to be present at the Privy Council meetings where orders in council are passed. He has to hand the seals to the lord chancellor or secretaries of state on appointment. He has to deliver the speech to parliament. It is an essential principle that the ministry should keep the sovereign fully informed of its plans of action and its proposals in matters of foreign, colonial, dominion and domestic policy. The right to be consulted, to encourage, to warn, to mediate, does belong to the sovereign.

The maxim "the king can do no wrong" means that ministers cannot plead the orders of the crown as a defence for their wrongful acts and that the king cannot be sued or otherwise held responsible for executive actions. He must therefore act through ministers who can be made responsible and if necessary sued.

The king-in-council or the Privy Council was until recently the sole repository of executive power. It consists at present of some three hundred and twenty persons. There are three classes of members. Firstly, among them are all cabinet ministers, past and present, secondly, other

officers of state, the two Archbishops and the Bishop of London, and thirdly, a large number of peers which include those who have held high administrative posts at home and abroad, a certain number of highest judges and ex-judges, and a few colonial statesmen, and a large number of persons honoured by the king for their political, literary, scientific, military and other services. It is only on the demise of the crown to proclaim a new sovereign and on some ceremonial occasions that all the members may be summoned. But otherwise only a few are summoned. The customary quorum is three. It meets to issue proclamations and numerous ordersin-council relating to legislative administrative and judicial work. They are not discussed but formally passed because they rest on the authority of a cabinet minister. They are used for giving effect to more important orders of the executive. There is a Lord President of the Council who presides over it and is always a member of the cabinet.

The king, as the head of the executive, acts in political matters almost exclusively on the advice of a small number of his servants called cabinet ministers. Their number is twenty. The members of the cabinet are drawn from persons who are mostly heads of departments of state. The king is bound in political matters to follow the advice of his cabinet The political responsibility of the cabinet is common and collective. It has a common policy and gives unanimous advice to the crown. The cabinet must command a majority in the House of Commons and there must be normally political homogeneity amongst its members. Cabinet members are privy councillors and members of one or other house of parliament. Cabinet thus secures the harmony of the legislature and the executive. It has a common head, namely, the prime minister who is selected by the king. He is the leader of the party which has the support of a majority in the House of Commons. He chooses his colleagues in the cabinet. It consists of (1) prime minister who holds the office of the First Lord of the

Treasury, (2) Lord President of the Council, (3) Lord High Chancellor, (4) Lord Privy Seal, (5) Chancellor of the Exchequer, (6—13) Secretaries of State for Home Affairs, Foreign Affairs, Colonies, Dominions, War, India, Scotland, and Air, (14) First Lord of the Admiralty, (15) President of the Board of Trade, (16) Minister of Health, (17) President of Board of Education, (18) Minister of Agriculture and Fisheries, (19) Minister of Labour, and (20) First Commissioner of Works. The essential function of the cabinet is to supervise the whole administration. Thus the cabinet members act as advisers of the crown, as heads of departments of state and as members of parliament and a political party.

Ministry is a greater body consisting in addition to cabinet members other parliamentary ministers who are

Ministry.

not included in the cabinet. They are the Minister of pensions, Postmaster-general, Minister of transport, Chancellor of the Duchy of Lancaster, Attorney-general, Solicitor-general, Paymaster-general, Civil Lord of the Admiralty, five junior lords of the treasury, eight Under-secretaries of state, twelve financial and parliamentary secretaries, three officers of the royal household and a few others. They all resign when the cabinet resigns. There is now a cabinet secretariat consisting of a secretary and thirty-seven others. Formerly its deliberations were secret and known only to cabinet members.

At present the cabinet monopolises the time of parliament for government business. There is hardly any chance of success for a private member's business or bill in parliament. It holds great powers of initiating financial measures, legislative measures, and executive policy. It can

sures, legislative measures, and executive policy. It can advise the dissolution of parliament which is a matter of serious concern to a member of parliament.

The prime minister who is the common head of the cabinet has no legal standing whatever. He gets his salary as the First Lord of the Prime minister.

Treasury, an office which he

generally holds. He is the leader of the House of Commons. The chancellorship is a legislative, judicial and executive office. The Lord Chancellor acts as the chief legal adviser of the government, presides over the House of Lords as Speaker, acts Lord Chancellor. as the President of the House Lords when sitting as the supreme court of appeal and presides in the judicial committee of the Privy Council as the final court of appeal for the Empire outside the United Kingdom. He appoints persons to the higher and many of the lower judicial offices. He is the custodian of the Great Seal of the realm. He has the patronage of some 700 benefices in the church of England. The Attorney-general and the Solicitor-general advise the departments of govern-

Attorney-general and Solicitor-general. ment on legal issues and act as prosecutors and represent the crown in proceedings affecting it.

Since 1714 the Treasury is a board appointed by letters patent under the great seal. Its members are the first lord, the chancellor of the exchequer and five junior lords whose business is to act as governmental whips in parliament. The essential junction of the Treasury Board is to control public finance. There are in addition a Financial Secretary and a Parliamentary Secretary. The Board never meets. Individual members are responsible for the business transacted.

There are eight departments presided over by the Secretaries of state. A department consists of a minister, an under-secretary of state or a parliamentary secretary and a permanent under-secretary of state, and a staff of administrative, executive and clerical officers, all of whom are members of the civil service. At first there was one secretary, the king's clerk. From the time of Henry VIII he became a member of the Privy Council. In 1539 a second secretary was appointed. These two secretaries were to keep two seals and to seal all warrants,

writings, etc., both for inward and outward parts. They became ultimately the Secretaries of state for Home Affairs and Foreign Affairs. A Secretary of state for war was added in 1794. The colonies were added to his department in 1801. In 1854 a distinct Secretary of state for colonies came. In 1858 a Secretary of state for India was added. A Secretary of state for Air was appointed in 1917. A Secretary of state for Dominions in 1925 and a Secretary of state for Scotland in 1926. Normally all secretaries of state can exercise the functions of any of the rest. The Home secretary is mainly responsible for the maintenance of public order. His duties which are varied and complex concern control and administration of police, prisons pardons extradition, aliens, nationality and naturalisation, etc.

The Admiralty is a board. It was put in commission since 1708. The Board of Admiralty now consists of six Lords Commissioners of the Board of Admiralty. Admiralty, a financial parlimentary secretary and a permanent secretary. The first Lord is the responsible minister. Others are a Civil Lord and four Sea Lords. The Board of Trade which was originally established in the reign of Board of Trade. Charles II and which succeeded the committee of the Privy Council for trade, now consists of a President and the following ex-officio members: The First Lord of the Treasury, the Secretaries of state, the Chancellor of the Exchequer, the Archbishop of Canterbury and the Speaker of the House of Commons. The Board of Education which succeeded the committee of the Privy Council in 1879 now consists of a President, Lord President of the Board of Education. Council, the Secretaries of state, First Lord of the Treasury and the Chancellor of the Exchequer. The Local Government Board which was constituted in 1891 and which succeeded the Poor Law Board was transfor-Ministry of Health.

Ministry of Health. med in 1919 into the Ministry of Health which now supervises and controls local government services and the work of local authorities in

relation to health and housing. The Board of Works came in 1851. The First Commissioner does the work. The Board of Agriculture was formed in 1889.

In 1919 it was made into a Ministry Ministry of Agriculof Agriculture and Fisheries. There ture and Fisheries. are also the Ministry of Labour, (1916), of Pensions (1916) and of Transport (1919). The office of Postmaster-general arose in 1710. The Chancellor of the Duchy of Lancaster is a minister without a portfolio. He is for-Other Ministers. mally responsible for the management of the extensive landed property of the Duchy of Lancaster. Lord Privy Seal holds a sinecure office since 1884. It can be traced back to the fourteenth century. By the sixteenth century documents signed by the king's own hand and countersigned by the Secretary were sent to the keeper of the Privy Seal. Its use was abolished by statute in 1884. Lord President of the Council is now merely the official

Without a permanent and efficient civil service the enormous work of modern governments could not be carried on. Ministers can only do the work of supervising the work of administration. The actual

head of the Privy Council.

work has to be done by the subordinate staff. Before 1870 the civil service suffered from patronage. Since then it is thrown open to competition and entrusted to the Civil Service Commissioners who conduct competitive examinations as the normal mode of entrance to the service. The legal tenure of the civil servant is at the pleasure of the crown. But in practice he is removed only for gross misconduct. He is ineligible as a civil servant for sitting in the House of Commons.

Ministers change on the dissolution of parliament and also from office to office. They are too much occupied with legislative measures, and general lines of policy and party politics. They can have no time to

understand and control the administrative business of different departments. It is the impartiality and efficiency of the civil service which makes ministerial government possible.

The executive plays a great part in preparing and initiating legislation. The summoning and dis-

The executive and hands. The standing orders give precedence to government business.

The complexity of administration, finance and schemes of social and economic welfare give it necessarily a large hold on the machinery and processes of legislation. Its rule-making power acquired under the statutes is very great in the regulation of the affairs of many corporate bodies and institutions, colonies and companies.

The extension of governmental activities and their complex administrative work have led the legislature to entrust the executive authorities

The executive and judiciary.

in some cases the right of deciding judicially administrative instead of making them go to the ordinary courts for the settlement of disputed points. Thus there is growing a system of administrative law and procedure and administrative courts which is a new feature in the English constitution. The Minister of Transport, Labour and Health, and the Presidents of Board of Education and Trade are acquiring enormous power of deciding disputes and there does not lie any appeal to a court of law from their decisions.

The House of Lords has changed in its numbers, composition and political influence since the revolution of 1688. In 1454 the number of peers was 56; in 1485, 28; in the The House of Lords. Tudor, period 51 or a little more. The suppression of monasteries removed 30 abbots and priors from the Upper House and since then the number of spiritual peers has been only 26. The Stuarts created 193 peers, but 99 peerages became extinct. The number

in 1688 was about 150. The union of Scotland added 16. In 1711 Anne created 12 more. In 1719 an attempt was made to limit the royal prerogative of creating peers to not more than six. The Bill however was not passed. In that year the number stood at 178. Had the Bill been passed, it would have created a close oligarchy of Lords which would have been independent both of the people and the crown. This power of creating peers on the advice of responsible ministers has enabled the crown to force the peers to accept the will of the people expressed in the House of Commons in cases of great emergency, and by removing deadlocks made smooth working of parliamentary government possible. George III created a large number of peers about 116 to break up the rule of the Whig party. Pitt tried to make it representative of the intellect, meritorious service, and wealth of England. The Union of Ireland added 28 representative peers elected for life. Thus Pitt's tenure of power changed the character of the House of Lords from a small assembly of great nobles who were bound together by family and party ties into a large assembly containing in addition members from the middle and commercial classes of intellect, wealth and meritorious service. It became a stronghold less of blood and more of property. It became more representative of community than before. But it became conservative in its political opinions. In 1860 it contained 460 members. At present the House of Lords contains about 700 temporal peers, and 26 spiritual peers. The temporal peers consist of princes of the blood royal, all hereditary peers, 16 representative peers of Scotland elected for each parliament, 28 representative peers of Ireland elected for life, and 7 Lords of Appeal in ordinary ap-Temporal peers. pointed to perform the judicial duties of the House of Lords and holding their seats in the House for life. Peerages are created by the king. They are, except the judicial peerages, hereditary and, except in the case of Scottish and Irish peerages, carry with them the right to seat in the House

of Lords. Such peerages can descend to women, but they enjoy no right of summons to the House of Lords. There is a committee of Privileges of the House of Lords which on reference from the crown decides claims to existing peerages. The Parliament Act of 1911 has removed the necessity of creating new peers on the advice of the prime minister to compel the House of Lords to give way to the House of Commons in cases of conflict. The Lords of Appeal in Ordinary are the seven judicial peers appointed by virtue of the provisions of the Appellate Jurisdiction Acts 1876-1929 to perform the judicial functions of the House of Lords. They have the right to vote and sit for life. The Lords Spiritual are 26 Bishops of the Church of England holding Spiritual peers. their seats until they resign from the episcopal office. The Archbisbops of Canterbury and York, and the Bishops of London, Durham and Winchester have the right to a seat in the House of Lords. The remaining 21 spiritual peers are the 21 diocesan Bishops sitting by seniority of date of appointment. When a Bishop dies or resigns his place is taken not by his successor but by the next senior diocesan bishop.

The quorum of the House is three. There is generally a small attendance and there is indifference to business. A few strong-willed and clever peers dominate the assembly. Though many men of eminence have been added, a large number of members have only their hereditary claim, represent all forms of wealth and are conservative.

The privileges of the House of Lords are (1) freedom from civil arrest for themselves and their servants for a period of forty days before and after a meeting of parliament, (2) freedom of speech, (3) freedom of access to the sovereign for each peer individually, (4) the right to commit for contempt, (5) the right to try and be tried by their fellow peers

for treason or felony or misprison of either, (6) the right to exclude disqualified persons from taking part in the proceedings of the House. Its Committee of Privileges determines the validity of new creations to the peerage. It has denied the crown's right to create a life peerage with the right to a seat in the Lords. The House of Lords is presided over by the Lord Chancellor. The Woolsock on which he sits as the Speaker of the House is however technically outside the precincts of the House.

The House of Commons has also undergone important changes in its numbers, composition and

political influence. Under Edward I there were 74 knights and 200 burgesses; under Edward III and Lancastrians, 180 burgesses; and under Henry VII, 224 burgesses. Between Henry VIII and Charles II 180 burgesses were added by royal characters to boroughs. After that no new borough was created till 1832. The House of Commons contained 513 members in 1707, 45 were added by the Union of Scotland and 100 by that of Ireland. At present the House of Commons consists of 615 members, all of whom are elected by ballot. With the exception of the twelve University members the election is on a universal adult suffrage. There are 595 constituencies, in all. Of these eighteen return two members each, and one (the Scottish Universities) returns three members. The remainder are single member constituencies each with an approximately equal number of electors. In the University constituencies created by the Act of 1867 all male graduates are entitled to vote, and also all women who were either graduates or would have been graduates if their university had admitted women to degrees. No holder of office under the crown can be elected or retain a seat, unless he is a holder of a political office whose position depends on the coming in or going out of office of government. Re-election was formerly required in most of these cases if appointment to office took place after election



to the Commons, but in 1919 and 1926 this requirement was not followed.

The defect under the present system of election is that the number of members returned is not in proportion to the number of votes cast in the election. The Conservative government of 1924-1929 which had a large majority over the two parties in opposition represented less than half the votes cast. Similarly the Labour government of 1929-1931 and the Conservative opposition got a larger number of seats than their proportion to the votes cast in comparison to the number of Liberal members and the votes cast for them.

The parliament is summoned by the king by royal proclamation, and it is by the king that it is

Summoning, proro-Commons.

prorogued and dissolved. Parliament endures for five years unless House of it is sooner dissolved by the king. It has for long been a convention

of the constitution that the king will dissolve parliament at the request of the prime minister of the day and will not dissolve it unless so requested. Until 1867 the death of the king affected the duration of the parliament. Since then its duration has been independent of the life of the king. Prorogation brings to an end the session of a parliament. It terminates all business. An adjournment does not put an end to any uncompleted business. Parliament, after a dissolution or a prorogation, is opened either by the king himself or by Royal Commissioners. As soon as the Houses have assembled, the Commons are summoned to the House of Lords and, at the opening of a new parliament, are bidden to choose a Speaker. After choosing the Speaker the House adjourns until the following day, when the election of the Speaker is announced to the Lord Chancellor in the House of Lords. The first business of a new session of parliament is the reading and discussion of a speech from

the throne. The speech which is King's speech. prepared by the cabinet

announces in outline the government's plans for the session, is delivered in the House of Lords either by the king himself or, when parliament is opened by a commission, by the Lord Chancellor. In each House an address is moved in answer to the speech and the debate on the address provides an opportunity for general discussion of the political situation.

The Speaker is the chief officer of the House of Commons. It is through him that the House communicates with the sovereign. He is its Speaker. chairman and is responsible for the orderly conduct of debates. At the commencement of each parliament the Speaker formally claims from the crown for the Commons "their ancient and undoubted rights and privileges." The first is that of freedom from arrest. It extends only to Its privileges. civil arrest, other than arrest for contempt of court. Since the resign of George III it does not extend to members' ser-Freedom from arrest. vants. It extends to members for a period of forty days before and after a meeting of parliament.

The second is that of freedom of speech finally secured in the Bill of Rights of 1688. The third is that of privacy of debate. The House has the right to secure privacy of debate and also to publish its debates and proceedings outside parliament. It has always enjoyed the right to exclude strangers. Until the eighteenth century the House resented and prevented any publication of accounts of its proceedings but since the conflict between Wilkes and the House of Commons in 1771 this privilege has not been insisted upon. Fourthly, the right of the House to publish Right to publish its its proceedings otherwise than among its own members was at own proceedings. common law restricted by the ordinary law of defamation, namely, libel and slander. In this connection the cases of Stockdale v. Hansards

(1846—1849) are important. A book of Stockdale was described by two inspectors of pri-Case of Stockdale v. sons in a report to the government Hansards. as "disgusting and obscene". This report was printed and sold by the defendants, Messrs. Hansards, by order of the House of Commons. The plaintiff brought an action for libel, claiming £5000 damages. The defendants pleaded that they had printed and sold the report under the order of the House of Commons, that the report having been presented to and laid before the House became part of the proceedings of the House, and that the House had resolved "that the power of publishing such of its reports, votes and proceedings as it shall deem necessary or conducive to the public interests is an essential incident to the constitutional functions of parliament, more especially to the Commons' House of Parliament as the representative portion of it". To this plaintiff replied that the known and established laws of the land cannot be superseded or altered by any resolution of the House of Commons, nor can the House by any resolution create any new privilege inconsistent with the law. The defendants argued that the act complained of was done in exercise of the authority of the House and in the legitimate use of its privileges, that the courts of law were subordinate to the Houses of parliament and were therefore incompetent to decide questions of parliamentary privilege. The court gave judgment for the plaintiff and decided that the House of Commons by ordering a report to be printed could not legalise the publication of libellous matter. Parliament is supreme, but neither branch of it is supreme by itself. The House of Commons is only a component part of parliament. The resolution of any branch cannot alter the law or place any one beyond its control. There was no privilege of the House of Commons which permitted of the publication outside the House of defamatory matter. Although a member might speak freely within parliament, if he published his speech outside parliament, he was liable to proceedings for

defamation. Thus the court protected the rights and liberties of subjects from the attacks of a single branch of legislature.

The passing of the Parliamentary Papers Act in 1840 put an end to the conflict between the House

Parliamentary Papers and the courts of law. It enacted that any proceeding in respect of defamatory matter contained in a

publication made by the authority of the Houses would be stayed on the production of a certificate from an officer of the House.

The case of the Sheriff of Middlesex arose out of that of Stockdale v. Hansards. The Sheriff of

Case of the Sheriff Middlesex in pursuance of a writ from the Queen's Bench had levied of Middlesex. execution upon the property of Messrs. Hansards. The House of Commons thereupon committed him for contempt. A writ of Habeas Corpus was obtained by him. The Sergeant-at-Arms of the House made a return that he had detained the Sheriff under a warrant of commitment directed to him by the speaker. He set forth the warrant which stated that the House had resolved that the Sheriff having been guilty of a contempt and breach of the privileges of this House, be committed to the custody of the Sergeant-at-Arms', but which did not state what the contempt was. Upon the motion to discharge the Sheriff on Habeas Corpus the chief justice held that a court of law could not inquire into the grounds of a commitment for contempt by the House of Commons, because the warrant of commitment does not specify the grounds upon which the person committed had been adjudged guilty of contempt. Accordingly the Sheriff was not discharged, and parliament's control over its proceedings was upheld.

The courts also protected in the absence of malice the publication of fair and accurate extracts from papers under the authority of parliament. This was decided in Wason v. Walter (1868) that unless a

plaintiff can prove malice a fair and accurate unofficial report of proceedings in parliament is privileged.

Fifthly, the House has the right to control its own proceedings and to provide for its own proper constitu-

tion. Sixthly, the right to disputed Right to disputed elections, which it exercised from elections. 1604 to 1868, was handed over to

the courts. The procedure is regulated by the Parliamentary Elections Act, of 1868. Seventhly, the House of Commons still retains the right to pronounce upon

legal disqualifications for member-Right of expulsion. ship and to declare a seat vacant on such ground. It cannot create disqualifications unrecognised by law, but it may expel any member who conducts himself in a manner unfit for membership.

Eighthly, the House has the right Right to commit for contempt.

to enforce its privileges and regulate. its proceedings by punishing those who offend against it. It may commit for contempt to prison by its order. The prisoner is automatically released when the House is prorogued. In 1810 Sir

Francis Burdett denied in his place in parliament the authority of the Case of Burdett v. Abbot. Commons to commit for contempt.

He published his speech in a letter in Cobbett's Weekly Register. This the House of Commons pronounced to be "a libellous and scandalous paper, reflecting on the just privileges of the House", and declared the author to be "guilty of a breach of privilege". The Speaker's warrant for Burdett's arrest was executed with the assistance of soldiers and Burdett was carried off to and confined in the Tower. In Burdett v. Abbot (1811) the plaintiff brought an action of trespass against the Speaker for breaking into his house and carrying him to the Tower. The defendant pleaded that the plaintiff and himself were members of a parliament then sitting, that it had been resolved by the House of Commons that a letter from the plaintiff in a newspaper was a breach of its privileges, and that the Speaker

should issue his warrant for the plaintiff's commitment to the Tower. Accordingly the plaintiff was arrested and put in the Tower. The court of King's Bench, the Exchequer Chamber and the House of Lords held that the power of either House to commit for contempt is reasonable and necessary and well established by precedents, and that the execution of a process for contempt justified the breaking into the plaintiff's house.

In the case of Bradlaugh v. Gosett (1883) where the defendant, the Sergeant-at-Arms, prevented the plaintiff, who was a member of the House, under the

case of Bradlaugh order of the House, from entering it and taking the oath as a member, it was held that the House of Commons is not subject to the control of the law courts in matters relating to its own internal procedure only. What is said or done within its walls cannot be inquired into elsewhere. The House of Commons cannot change by resolution the law of the land, but courts of law have no power to inquire into the propriety of a resolution of the House restraining a member from doing within the walls of the House an act which he may have a right by law to do.

In 1845 the presence of strangers in the galleries and other parts of the House not appropriated to members was for the first time officially recognised in the orders of the House of Commons. The daily publication of the division lists as part of the proceedings of the House of Commons was adopted in 1836

and of the House of Lords in 1857.

The House of Commons now does not seem to be the controller of the cabinet. It is the cabinet which has become more important. Constituencies demand complete loyalty to party leaders. Party associations are organised for the same object. Members do not like to be independent because elections are costly and there is no surety of seats for independent.

dent members. The government has the power of

dissolution if no proper support is given. Debating and deliberation have therefore very little effect on voting. Members hardly listen to the debates and form opinions. The opposition merely protests. The initiative is more with the cabinet or party leaders. The increase and complexity of business leave very little scope for discussion. There has also grown the influence of the public opinion in the press, on the platform and in political associations which directly affects the policy of government. The cabinet is therefore sometimes called the third house of legislature.

Parliament is the sovereign legislative power. No court can deny the validity of its laws. It normally legislates for the subject, not for the crown unless specifically mentioned. The enormous power of legislation belongs largely to the House of Commons after

the Parliament Act of 1911.

The relations of two Houses have undergone great change. The idea of equality dominates the Lower and the idea of property the Upper. In 1678 the Commons declared its sale with the commons

declared its sole right of initiation of supply and denied the power of the Lords to alter such measures. It thus claimed the sole right to tax and appropriate. In 1860 the Lords claimed the right not to alter but to reject by refusing to accept the Paper Duty Repeal Bill. Gladstone got reiterated in the Commons the claim of 1678, and adopted the device of including the repeal of the duty with other financial measures. The power to control legislation generally remained with the Lords. They rejected the Irish Home Rule Bill in 1893 and other Liberal measures after 1906. They did not oppose Conservative legislation. The Parliament Act of 1911 however regulated the power of the House of Lords.

Parliament has judicial functions, especially the House of Lords. It receives petitions, appoints committees of inquiry, presents addresses of removal of judges, controls ministers, asks questions and passes

resolutions.

The Supreme Court of Judicature (consolidation) Act, 1925 consolidated the Judicature Acts of 1873-

1910 and other legislation. It es-Judiciary. tablished the High Court of Justice possessing original and appellate jurisdiction. A further appeal lies to the House of Lords from its court of appeal. Besides the central courts there are local courts. The main function of the judiciary is to apply and enforced the law. Security of tenure is essential for its impartiality and efficiency. The judges of higher rank are made by the Act of Settlement to hold during good behaviour, though liable to be removed by crown on addresses from the two Houses of parliament.

Inferior judges hold at pleasure. Its independence. They are however not removed without full inquiry and are not subject to executive pressure. The judges should be independent of the executive and free from vaxatious interference by the executive. The common law does not allow any action to lie against a judge for any acts done or words spoken in his judicial capacity in a court of justice. This was decided in the case of Hammond v. Howell (1678) and in the case of Anderson v. Gorrie and others (1894). Judges are allowed to administer the law independently and freely without favour and without fear. They are immune from civil actions. A High Court Judge is however liable to a fine of £500 to be paid to the detained person, if he unlawfully refuses to issue a writ. of Habeas Corpus during vacation. The courts are the king's courts. Their proceedings are generally in the king's name, and all jurisdictions of courts are either indirectly or immediately derived from the crown. The crown can pardon a convicted person through the Home Minister. The Attorney-general can stop a criminal proceeding by entering a nolle prosequi.

It is the ordinary courts which protect the liberty of the citizen by applying the ordinary or common law of the land and the ordinary pro-

Judiciary and citi-zen's liberties.

cedure equally to all irrespective of their rank, office, wealth or

social privileges. They are the safeguards of citizen's liberties under the law. Constitutional law requires that any interference with the personal liberty or private property of the citizen by public authorities must be justifiable in law. Public authorities are given discretionary powers in administering complicated laws. But if the limits of authorised discretion are exceeded an action will lie against the official or body concerned. The discretionary power must be exercised upon the principles that a fair hearing should be afforded to the parties affected by the contemplated action, and that the official or body exercising the power should not be a judge in his or its own case. The independence enjoyed by the judges from executive control and the immunity from process which protects them in the exercise of their jurisdiction are very important safeguards to the ordinary citizen. The courts have also the power of issuing what are called prerogative writs which review decisions of administrative authorities. The writ of Mandamus is a

Prerogative write the Judiciary.

peremptory order, issuing out of the King's Bench Division of the High Court, commanding a body

or a person to do that which is its duty to do. The writ does not lie against the crown. The writ of Prohibition which issues out of the King's Bench Division primarily prevents a lower court from exceeding its jurisdiction or restrains the judge from hearing a case in which he is personally interested. It is also granted against ministers of the crown and public or semi-public bodies of a non-judicial character to regulate the exercise of their judicial or quasijudicial functions. The writ of certiorari is issued to remove a suit from an inferior court into the High Court in order to secure a fair trial or to prevent an excess of jurisdiction. The writ of Habeas Corpus is issued to bring a person arrested and imprisoned without proper trial to the court immediately for trial and to show the cause of arrest and imprisonment. To all public authorities however a certain amount of

protection is given by the Public Authorities Protection Act, 1893, which compels an action to be brought within six months from the injury inflicted. This does not apply to certiorari proceedings.

The crown is immune from the jurisdiction of his courts. He cannot be sued. His immunity extends to all government departments. A petition of right however can be brought to recover damages in civil cases of contracts. It is now regulated by the Petition of Rights Act of 1860 and tried in the High Court. The Attorney-general must give permission for inquiry. In cases of tort the actual wrong-doer may be sued. There has been an immemorial practice of approaching the sovereign by petition when a redress of grievances is sought for or an act of grace or favour solicited. It was then ordered 'Let the right be done to party' by the king.

Allegiance is owed by every subject to the king. Resident aliens owe temporary allegiance. But no oath of allegiance is exacted, except on appointment to certain offices, such as judgeships and from naturalised aliens, as a condition of the grant of letters of naturalisation.

In a modern state with its increasing social and economic activities the law lays down certain rules for the guidance of the activities of a citizen. He has often to sacrifice his individual interests and will for the public interests and common weal. The law imposes certain duties on him, compelling him to do certain things and gives certain rights to him, compelling others to respect them. These restrictions detract from his liberty to do what he likes. In England the constitutional principle of the Rule of Law safeguards the rights of the subject against interference both from the government and from his fellow citizens. The rule of law means that all restrictions on human liberty rest on legislation or

common law which is judicially interpreted by independent judges and that there is no room for the exercise of discrimination by the executive. The law itself may be harsh and unfair. There are no special provisions in the English constitution which guard the

The Rule of Law and the Liberty of the citizen.

liberty of the subject in respect of his person, property, honour, speech or association. The law however provides adequate reme-

dies against wrong-doers. It is in the law of crimes and of torts which is a part of the common law of the land, that is, in the crdinary law and not in the fundamental constitutional law that there is protection for the liberty of the subject in England. The executive has no power to suspend the operation of the remedies against wrong doer which the common law affords, The only exception however is the Emergency Power Act of 1920 which entrusts the executive under strict parliamentary control with the enactment and enforcement of emergency regulations in times of disorder. It does not however give the executive power to suspend the operation of the constitution or to declare a state of siege which virtually amounts to arbitrary rule by the executive. Thus the regular law is supreme. The government is not allowed arbitrary power. No person is considered to be above law. All persons are equal before the law. The actions of the government are tested and controlled by the ordinary courts and the ordinary law of the land. There are no special laws, courts and procedure laid down to judge executive actions.

The right of personal freedom is assured by the courts. A British subject can protect himself against

and the courts.

all who interfere with his liberty by an ordinary action in the courts. Physical coercion and restraint can be justified in England only on five grounds, namely, (1) arrest and detention, when permissible, on a criminal charge, including a remand for further inquiry, (2) sentence of imprisonment or detention after

conviction on a criminal charge, (3) imprisonment for civil debt and for contempt of court, (4) detention under the law relating to lunacy and mental deficiency, and (5) the exercise of parental authority over an infant. There are no powers of arbitrary arrest. The general warrant cases in the reign of George III have decided their illegality. There are however a number of cases where search-warrants may be lawfully issued. There are a number of statutes, like the Official Secrets Act (1911), the Larceny Act (1916), which authorise the issue of search-warrants where there is reasonable ground for suspicion of an offence being or about to be committed. For interference with his personal freedom on any other grounds, the citizen has four types of remedies. They are available equally against an executive official as against a private citizen. Self-defence is an extra judicial remedy. It is an individual's right to defend one's persons, liberty and property against unlawful violence. It serves very little against officials of the government. Any amount Self-defence. of force used in self-defence is not lawful. It must be necessary and reasonable or proportionate to the harm, which is intended to avert, to one's person or property when endangered. These are civil and criminal remedies of a suit or prose-Civil and criminal cution for assault, and an action in remedies. respect of wrongful arrest. Though the crown under its prerogative immunity cannot be made liable, the servant who actually commits the wrong can be sued. The writ of Habeas Corpus saves him from illegal and arbitrary arrest Writ of Habeas Corand confinement. The Habeas pus. Corpus acts of 1679, 1816 and 1862 made the writ more effective by improving procedure and checking devices for evasion. The writ insists on speedy trial if there is sufficient cause of detention, and on immediate discharge if there is not. When in times of emergency the writ was suspended, parliament passed Indemnity Acts in order to protect the officials for their actions during the period of suspension. Suspension

of the Habeas Corpus Acts does not, ipso facto, legalise illegal arrest. It merely suspends a particular remedy. The Defence of the Realm Acts 1914-1915, delegated enormous power over the subject to the executive for securing public safety and the defence of the realm in general. The Indemnity Act of 1920 legalised all illegalities during the period of 1914—1920. The Emergency Powers Act of 1920 sanctions certain powers to be used by the executive in a state of emergency under certain safeguards of parliamentary control.

The right to personal property is protected by civil and criminal laws. Taxation and compulsory acquisition of land with compensation are however sanctioned by parliamentary laws. The general warrant cases have shown that the executive has no power, apart from statute, to invade arbitrarily the property of the subject for the purpose of arrest, search, or other interference. There are however general restrictions on the use of property.

Freedom of speech, discussion and opinion is allowed to a speaker or writer under the limits set by law and chiefly by the law of defama-Freedom of opinion. tion in the form of slander (spoken word) and libel (written word). Liberty of the press is only subject to the consequences of ordinary law. But special defence is kept open to the press if an apology is inserted or want of malice and of gross negligence is proved. There is however privilege attaching to reports of parliamentary debates, judicial proceedings and public meetings. But these reports must be fair and accurate and not blasphemous, seditious or immoral. Newspaper reports must be without malice and must be for the public benefit or relate to matters of public concern. There is no special law of the press, The criminal law of blasphemy and obscenity also restricts, in the interests of the public, a person's liberty to say what he likes. The law of sedition punishes

unlicensed speech and criticism of the conduct of the government if they promote disaffection and disloyalty to the state and church of England. The English law, however, takes account of man's actions and not of his intentions.

Freedom of public meeting consists in the exercise by a number of individuals acting together of their liberty to go where they like and Freedom of public say what they like. It is however meeting. restricted by the law of conspiracy. Conspiracy is a criminal offence. Those present at a meeting must not infringe any law. They must not commit trespass and nuisance or utter defamatory words. The meeting becomes an unlawful assembly if a breach of peace is apprehended. There is no right to hold a meeting on the highway. A meeting assembling for a lawful object cannot be prohibited in advance, but if a breach of peace is threatened or committed, it becomes an unlawful assembly. If its object is some common, unlawful design, it is an unlawful meeting.

The people's security of their rights to life, liberty and property lies in their control over legislation through parliament and over the executive through ministerial responsibility and the independence of the judiciary in the interpretation and application of law in remedying wrongs committed against private citizens. Citizen's rights could not be taken from them except in the manner which was provided by the law of the land. The judiciary has no power to go beyond the law. It must observe closely the terms of the acts. Thus the subject has legal remedies by judicial process against his fellow subjects to protect his liberty of action. The subject has also limited legal remedies against the crown and other public bodies which perform the functions of government. Every act however must have the authority of law.

The crown possessed the prerogative of impressment of persons for land-service and sea-service. Conscrip-

tion or forced levy of men under the law is allowed in modern times for the defence of the country. But impressment of soldiers and sailors was the arbitrary and capricious seizure of individuals from among the general body of citizens. The prerogative of the crown regarding the impressment of soldiers for the war has long been discontinued. Generally regues and wages

long been dis-continued. Generally rogues and vagabonds were however impressed. Sometimes idle and disorderly persons not following any lawful trade or having sufficient income for their maintenance were seized upon.

Impressment of sailors has been recognised under the Common law and also statutes. It caused great hardships and cruelties to persons

Impressment of seized upon. Freemen were captured and forced into a hard and

dangerous service against their will and by fraudulent and violent methods. They were entrapped in the dead of night by armed and lawless press gangs. But now these practices are not resorted to. More willing persons are attracted by rewards and emoluments of service.

Martial law, in the sense that the suspension of ordinary law and the temporary government of a country

Martial Law. is unknown to the law of England. Martial law in England means the Common law right of the crown and its servants to repel force by force in the case of invasion, insurrection, riot or generally of any violent resistance to law. It is a matter of legal duty for all, namely, the soldiers, the police and the citizens, to put down breaches of peace. A soldier as such has no exemption from liability to the law for his conduct in restoring order. Military officers, civil magistrates, soldiers, policemen and ordinary citizens are legally in the same position. They are liable to be

called to account before a jury for the use of excessive or unnecessary force. They are also liable for not doing their duty as citizens in putting down riots. The occasion in which force can be employed and the kind and degree of force which it is lawful to use in order to put down a riot is determined by the necessity of the case. The courts ultimately decide the necessity and amount of force used. Martial law in the sense that the government of a country or district by military tribunal and special laws which supersede the jurisdiction of ordinary courts and laws is not recognised in England. A soldier, like a clergyman, may have to bear special obligations in his official character, but he is not thereby exempted from the ordinary liabilities of citizenship. He is thus subject as a citizen to the same civil and criminal liabilities as any other civilian and is amenable to the courts of Common law. He is as a soldier subject to the additional liabilities of his post under the Army Act. Unlawful actions committed during an emergency by officials, soldiers and others are indemified by Indemnity Acts. Thus the supremacy of the law is maintained. Even the preamble of the Mutiny Act stated "whereas no man may be forejudged of life or limb or subjected to any kind of punishment by Martial law or in any other manner than by the judgment of his peers and according to the known and established laws of the realm."

In 1689 by the Toleration Act the state abandoned the attempt to have religious uniformity by coercion.

Religious Liberty. Every citizen could not be a member of the established church, still it insisted that all those whom it employed or to whom it gave any share of political power should conform to the established religion. Then it ceased to make conformity a condition of state employment or of a share in political power by the repeal of the Test and Corporation Acts (1828), by the passing of the Catholic Emancipation Act (1829), the Affirmation Act (1833). Admission of Jews to Parliament Act (1858) and the Parliamentary Oath's Act (1866). Then it refused to

permit the established church to be supported like other national institutions out of public money without regard to the creed of the tax payer and rate payer by the Act of 1868 which abolished compulsory church rates levied from non-conformists. In 1869 it disestablished the Irish church and in 1914 the Welsh church. In 1871 the abolition of religious tests at the Universities threw open these seats of learning to non-conformists. The contest of Charles Bradlaugh (1880-1886) for admission into parliament and his final success led to the passing of the Oath's Act of 1888, allowing affirmation instead of oath.

In the general election of 1880 Charles Bradlaugh was elected to parliament. He was a well-known atheist, but he had no conscientious Case of Charles Bradobjection to taking the oath settled laugh 1880-1886. by the Parliamentary Oath's Act of 1866. He however believed that under the existing law he was entitled to make affirmation. He informed the Speaker of his wish to affirm. The select committee appointed by the House of Commons reported against his claim to affirm by the casting vote of the chairman. Then Bradlaugh announced that he would take the oath. This was also objected to. The second select committee reported that he could not be allowed to take the oath, though he stated that it would be binding on his conscience. He was thus allowed neither to affirm not to take an oath. He was prevented from taking his seat without being expelled. He pleaded his cause at the bar of the House. He was ordered to withdraw which he declined and was therefore taken into custody but released unconditionally next day. Mr. Gladstone moved that, as a standing order members should be allowed, at their legal peril, to affirm at their choice. His motion was passed. Mr. Bradlaugh then made affirmation and took his seat under a new standing order. The courts however held against him in the matter of affirmation. His seat was thus vacated. He was reelected (1881) to his seat and presented himself to be sworn, and made his second

speech at the Bar. The House did not allow it. On one occasion he refused to withdraw and was therefore ejected by force. In 1882 on the reassembling of parliament Bradlaugh again presented himself, the excluding order having expired with the session in which it was passed. Bradlaugh was heard at the Bar for the third time. The House however did not allow him to swear. After a few days he advanced to the table, administered the oath to himself, withdrew below the Bar on the Speaker's order, but returned and took his seat. The House voted his complete expulsion. A new writ was issued, he was however reelected a third time. He was again not allowed to swear. An Affirmation Bill which was brought was defeatd. In 1883 Bradlaugh again presented himself to be sworn and made his fourth speech at the Bar. The House again excluded him. Bradlaugh brought a case against Gossett, the Sergeant-at-Arms for resisting his entrance to the House. Judgment was however given for Gossett. Bradlaugh again in 1884 presented himself at the table of the House and administered the oath himself. The House again excluded him and a new writ was issued. Bradlaugh was however reelected a fourth time. He was again excluded. There was judgment given against him in 1885, as being incapable of taking an oath in law. On the new Conservative ministry taking office in 1885 he again presented himself to be sworn. He was again excluded. He was reelected a fifth time at the general election. The new Speaker, Mr. Peel, permitted him in the new parliament of 1886 to take the oath, refusing to allow any interference. He stated that "it is the right, the legal statutable obligation of members, when returned to this House to come to the table and take the oath prescribed by statute. I have no authority, I have no right, original or delegated, to stand between an honourable member and his taking of the oath... I am bound and the House is bound by the forms of this House and by the legal obligations and rights of members. If a member comes to this table and offers to take the oath, I know of no right whatever to intervene

between him and the forms of legal and statutable obligation." In 1888 Bradlaugh carried a general Affirmation Bill which passed the House of Lords and became law. In 1891 while Bradlaugh lay dying the House of Commons passed a resolution, expunging from the journals of the House the resolutions exclu-

ding him in former years.

Other social, educational and religious disabilities of Roman Catholics and non-conformists were also removed in the nineteenth century. Thus there are to-day no restrictions on the freedom of religious opinion and with but few exceptions there are no disabilities attached to membership of any particular religious community. The sovereign however must be a member of the church of England. Roman Catholics and those who marry Roman Catholics are expressly excluded from the throne by the provisions of the Act of Settlement. A Roman Catholic cannot hold the office of Lord Chancellor or High Commissioner of the church of Scotland.

The church of England has a close relationship with the state and has peculiar historical privileges.

Its chief officers the Archbishops The church of and Bishops sit in the House of England. Lords, and are appointed by the crown. In dioceses where there is the dean and chapter, the crown sends a congé d'èlire with letters missive containing the name of the person who is to be elected as bishop. If the election is not made, the crown appoints by Letters Patent. The law of the church is part of the law of the land of which the civil courts, take judicial notice. The ecclesiastical courts are courts in the full sense of the word. Their decrees are enforced by the state, and they are subject to the control of the ordinary courts by means of the prerogative writs. The established church involves the royal supremacy. The church may legislate for itself but its legislation requires the consent of the state. Its forms of worship cannot be altered without the consent of parliament.

The church of England has two provinces of Canterbury and York, each with an Archbishop. The Archbishop of Canterbury is the Its organisation. Primate of all England and is the President of the Church Assembly. Each province has dioceses governed by bishops. Dioceses have archdeaconries under archdeacons and under them rural deaneries under deans. A rural deanery is composed of parishes, each with its church and parish priest. The two convocations of York and Canterbury are the legislative assemblies of the church. In each convocation the bishops of the province form the Upper House and the clerical representatives of the clergy, the Lower House. Convocation can meet only when summoned by the crown. Its legislation in the form of canons requires the assent of the king. Such canons bind the clergy alone, unless they are authorised by parliament.

In 1919 the Church of England Assembly (Powers) Act was passed, because there was the difficulty of obtaining proper discussion and Church Assembly. sufficient time in parliament for Church measures. It set up a new body called the National Assembly of the church of England. The Assembly consists of three Houses, the House of Bishops, the House of Clergy consisting of the members for the time being of the Upper and Lower Houses of both the convocations, and the House of Laity consisting of representatives elected by a system of indirect representation, the foundation of which is the Parochial Church Council elected by parishioners on the electoral roll of each parish. The Assembly may pass measures to be submitted by its Legislative committee to the Ecclesiastical committee of parliament which consist of fifteen members of the House of Lords and fifteen members of the House of Commons, nominated at the beginning of each parliament by the Lord Chancellor and the Speaker. The Ecclesiastical committee reports to parliament upon the expediency of measures submitted to it, especially with relation

to the constitutional rights of His Majesty's subjects. The report and the proposed measure are laid before both Houses and upon their passing resolutions to that effect and then the measure is presented for the royal assent. After the assent is given it has all the force and effect of an Act of parliament. The need of the sanction of the king and parliament for an alteration to the services of church is an essential part of the royal supremacy and of the establishment under Elizabethan settlement. The royal supremacy involves the right of appeal to the crown from provincial ecclesiastical courts in all cases. The Judicial committee of the Privy Council hears the appeals. Before 1832 the Court of Delegates heard them.

The clergy, like soldiers, are subject not only to their own special laws but also to the ordinary laws of the land. They have certain privileges and disabilities. Clergymen cannot be elected to the House of Commons, though they are still summoned to parliament by the premunientes clause.

The Union of Ireland in 1800 was meant to solve all Irish woes and English difficulties. It however only

First period (1800— 1829) and Catholic emancipation. gave her free trade with England. Four chief grievances still remained to be solved. The Roman Catholics who were given electoral franchise

in 1793 and were promised Catholic emancipation at the time of the Union did not get it, because of the opposition of the king. The other three grievances were the heavy burden of the tithes, the existence of an alien church and the system of land tenure. It was the leadership and agitation of Daniel O'Connell which freed the Catholics from their political slavery. The Catholic Emancipation Act was passed in 1829 owing to his influence and pressure. He also hated the Union, wanted the Anglican church to be deprived of its ascendancy, and desired the Protestants and Catholics to sit in an Irish parliament at Dublin. In 1823 he founded the Catholic Association to rouse

the Irish Catholics and to agitate for their political emancipation. It became very powerful but was suppressed in 1829.

From 1829 to 1848 there was an agitation for repeal of the Union started by O'Connell. He was a brilliant orator, possessing magnificent eloquence. The causes of discontent in Ireland were that under the system of land tenure existing the condition of small farmers and agricultural labourers was miserable and there was no proper system of poor relief, and emigration was costly and unnatural, Second period (1829--1848) and agitation that the Roman Catholic majority for repeal of the were forced to pay tithes for the Union. support of the foreign Anglican church against their will, and that there was a strong agitation for the repeal of the Union. Discontent led to disorder, riots and crimes, and there was a Tithe war in 1831. In 1833 a Coercion Bill was passed by the government. It established martial law in disaffected districts. In 1835 the Lichfield House Compact brought about an alliance between O'Connell and the Whigs. This led to the dropping of repeal agitation. Melbourne adopted a more liberal Irish policy. In 1838 the Irish Poor Law Act, and the Tithe Commutation Act were passed. A persistent refusal on the part of the Catholic peasantry to pay any tithe at all brought about this Act. It released the Catholic peasantry from payment and made the Protestant landlords to pay by converting tithes into a fixed rent charge. In 1840 the Irish Municipal Act reformed many abuses. But these acts did not solve the agrarian and political questions. O'Connell was not satisfied with the measurses of the Melbourne ministry. He carried on great agitation in Ireland and roused the people for the repeal of the Union. The government however suppressed the agitation in 1843 and tried and imprisoned O'Connell on a charge of sedition. Though acquitted by the House of Lords, his power decreased owing to his opposition to violent methods. A new party of Young

Ireland arose in 1842 as an offshoot of O'Connell's repealers. It advocated the use of physical force.

Peel's government endowed in 1845 the Maynooth college, originally founded for the education of priests, with a large permanent grant of £ 26,000. He also established three Queen's colleges in Belfast, Cork and Galway, providing unsectarian education under the Queen's University which was to be an examining body. The University of Dublin on the contrary was stongly Protestant.

In 1846 the potato crop failed in Ireland and a dreadful famine ensured. It embittered feelings between England and Ireland. Thousands of Irish died from starvation, and emigration removed a large number. The population of the country decreased largely. The government made attempts to relieve distress and repealed the Corn laws but it could not meet the suffering and remove the discontent. The revolutions on the continent in 1848 and the bitter feeling aroused by the famine created revolutionary feeling in Ireland. The extremists in the Young Ireland party fomented rebellion in the country. The government however suppressed it. The rebellion failed as it had not the full support of the Irish peasantry.

The rising of 1848 was crushed but smothered discontent and disaffection continued during 1848-1870.

Third period (1848-1868) and the rise of Fenianism. There was a movement during this period for the reform of the unsatisfactory land system on the basis of the three F's, fair rent, fixity of

tenure, and free sale, but it did not succeed. The system of absentee landlords and the lack of tenant-right continued. Many Irishmen migrated to America and fought in the American civil war. In 1858 James Stephens, one of the leaders of the rising of 1848, founded the Phoenix Society for the purpose of securing the complete independence of Ireland. It was suppressed by the English government but quickly revived under

the name of "the Brotherhood of the Irish Republic," and in the United States under the name of of "The Fenian Brotherhood". Feni were a band of warriors and poets famous in mythical Irish history. Branches of the society were soon to be found in all parts of the world where Irishmen had settled. Its proceedings were secret. It was under the control of a few leaders. Fenianism was a political and national movement and aimed at establishing an independent republic in Ireland. It was not aimed at reforming agrarian and religious abuses. Its leaders were Irish Americans. The government foresaw the danger and passed a Bill to suspend the Habeas Corpus and to give the Lord Lieutenant extraordinary powers of arresting suspected persons. Fenian invasion of Canada in 1866 and Fenian rising in Ireland in 1867 did not succeed. In the same year the Manchester martyrs' who had killed Sergeant Brett while guarding two Fenians were executed. An attempt was made to free the two Fenians by blowing up Clerkenwell prison. These Fenian daring acts were unsuccessful, but they made the English people realise the vast importance of the Irish problem and led to Gladstone's Liberal Irish policy.

The restablished church in Ireland was the church of a minority of about ten per cent of the people. It was an alien church. In 1868 Glad-Fourth period (1868-I8**9**3). Gladstone's stone adopted the settlement of the reforms and Home Irish question as his first object. rule movement-He was influenced by the Fenian outrages. He affirmed the necessity of disestablishing the Irish church and carried the resolution in the House of Commons. In 1869 he introduced a Bill to that effect, and it was passed. The church was to be disestablished on January 1, 1871, ecclesiastical courts were to be abolished and the Irish clergy were to be allowed to form voluntary synods. Bishops were to be elected by diocesan synods and the Primate by bishops. Boards of nomination were to dispense ecclesiastical patronage. The other

measure be passed was the Irish Land Act of 1870. The conditions of land tenure were bad. The Irish farmers were usually tenants-at-will, subject to six months' notice, and without any right to compensation for the improvements they had made. There was great competition for land which increased rents. They were too heavy for the tenant to pay. Evictions were therefore frequent. The Irish landlords let their land but not buildings. The tenants erected and maintained buildings which on the termination of the tenancy became the property of the landlord. Many of the landlords were absentees and Protestants. They had acquired the land by confiscation. There was bitter ill-feeling between landlords and tenants. It led to a land war and created a lot of discontent amongst the Irish. Gladstone's Act gave the tenants security of tenure. The tenant was not to be evicted as long as he paid rent. He was to be paid compensation for unjust eviction and for improvements by which he had increased the value of the property. The act also provided facilities for advancing loans to tenants who wished to purchase their holdings. Thus it put an end to the absolute right of the landlord. It did not however protect the tenant against excessive rent. Evictions increased in number. It did not create peasant proprietorship in land. The Act proved inadequate. It did not ensure peace in Ireland. The third measure of Gladstone, the Irish University Bill (1873), was rejected.

The suppression of Fenianism which wanted complete separation was followed by the growth of

the idea of Home Rule. In 1870
the Home Rule move the Home Government Association
was formed. This movement was
a compromise between close union and complete
separation. It aimed at the establishment of a separate
parliament for Ireland. It got strengthend because
the English statesmen did not understand the real
causes of Irish discontent and the English parliament
did not follow a consistent Irish policy. The Land

Act of 1870 failed to prevent evictions and ensure amicable relations between landlords and tenants. Therefore the agrarian discontent continued. There also grew up national feeling in Ireland. Protestants were also dissatisfied with the disestablishment of the Irish church and with the Land Act. In 1874 the Coercion Bills were renewed.

The Home Rule movement passed through two phases. Its one phase was constitutional under the leadership of Isaac Butt from 1870 Mr. Isaac Butt. to 1877. In 1873 the Home Rule League was formed. In order to secure to the Irish people the advantages of constitutional government it proposed that there should be in Ireland an administration of Irish affairs, controlled according to constitutional principles by the Irish parliament and conducted by ministers constitutionally responsible to that parliament. In the general election fifty-eight Home rulers were returned to parliament. But they could not do anything in parliament. Fenians did not believe in parliamentary methods. The Catholic church was not favourably inclined towards Mr. Isaac Butt who was a Protestant. The Irish people were largely interested in the agrarian question. They firmly believed that the land of Ireland was their own and that they had been dispossessed by an alien race and religion. In 1877 the leadership went to Mr.

Charles Stewart Parnell. He adopted the policy of parliamentary obstruction. This was the second phase. From 1878 to 1890 he led the revolutionary struggle. He was elected the President of the Home Rule confederation in place of Mr. Butt. He was a Protestant and a landlord, but he sympathised strongly with the sufferings of the Catholic tenantry. He was a great party organiser and hated the English policy in Ireland. Parnell and his followers decided to obstruct other business in parliament until the Irish question had received full attention. The Home Rule pledge bound the Irish members to act together and to submit

their individual judgment to that of the party on Irish matters. Parnell had sympathy for Fenians and hatred for England. But he did not join them. He wanted to win Home Rule by parliamentary tactics at Westminster and by agitation in Ireland and

Mr. Michael Davitt and the Land League. America. He got an ally in Michael Davitt. The failure of the Land Act of 1870 to prevent evictions.

Act of 1870 to prevent evictions, the failure of the potato crop and the excessive rain in 1879 led Michael Davitt to found the Land League for the relief of the Irish tenants. Its ultimate object was to replace landlords by peasant proprietors and to restore the land to the people of Ireland. It wanted to reduce rackrents and to allow cultivators to purchase forms. Parnell became its president and advised tenants to offer what they considered a fair rent, and, if their offer was refused, to pay no rent at all. The Land League became supreme in Ireland. There was great disorder in the country. Parnell however did not instigate crimes. Gladstone who came to power in 1880 syampathised with Irish grievances. He however was firm in maintaining the supremacy of the English parliament. His policy was aimed at repressing disorder and removing agrarian discontent. There were outrages on landlords, land agents and tenants who resisted the League. Parnell had said that any tenant who took a farm from which his predecessor had been convicted ought to be treated "as if he were a leper of old". This led to general boycotting, to the mutilation of the cattle of persons hostile to the League and to several murders. In 1881 Coercion Bills were passed authorising the Lord Lieutenant to arrest and detain in prison without trial persons suspected of agrarian outrages. Thirty-six Irish members were suspended for obstruction in parliament. In the same year the Land Act was passed. It established a Land Court to fix 'fair rents' for fifteen years. It appointed land commissioners to assist emigration and to advance three quarters of money to tenants wishing to buy their holdings. Gladstone got Parnell and other

leaders of the Land League arrested and put in Kilmainham goal, because of their attitude towards the Land Bill and of the continuance of disorder. Parnell issued 'no rent' manifesto from the prison, asking tenants not to pay rents until he was released. The Land League was proclaimed an illegal and criminal association. This led to the formation of secret societies, especially the "Invincibles" whose object was the removal of obnoxious political personages. In 1882 Parnell and other leaders were released on the understanding that they would cooperate with the Liberal Party if the question of arrears of rent was settled. This is known as 'the Kilmainham Treaty'. In the same year Lord Frederick Cavendish, the chief secretary for Ireland and Burke, the under-secretary, were murdered by the "Invincibles" in Phoenix Park. This led to the passing of the Prevention of Crimes Bill which established a special tribunal of three judges to try cases without juries, extended the summary jurisdiction of magistrates and authorised the Lord Lieutenant to "proclaim" meetings unlawful when necessary.

Parnell founded the National League to replace the Land League. Its main object was to promote Home Rule and not, as Davitt wanted, land nationalisation. Parnell believed that an independent Irish parliament would soon settle the land question. In 1883 Phoenix Park murderers were arrested and convicted. The Invincibles were broken up, peace was restored and the agrarian outrages diminished. Parnell's influence however greatly increased. In 1885 under Salisbury's ministry the Ashbourne Land Act empowered the land commissioners to advance all the purchasemoney except one-fifth to tenants who consequently purchased a number of holdings in all parts of Ireland.

In the general election of 1885 Parnellites captured eighty-five seats. They held the balance between the Liberals and Conservatives. Gladstone Home Rule.

Cladstone's convertion to power found that the policy of coercion on the one hand and conciliation on the other did not succeed

in solving the Irish question. He therefore decided to give Home Rule to Ireland. In 1886 he introduced his Home Rule Bill giving Ireland considerable powers of self-government and a bicameral legislature and a responsible executive, but excluding matters affecting the crown, defence, foreign affairs, customs and excise from its control, and safe-guarding Protestant religion. He also brought in a Land Bill which gave power to the government to purchase land from the landlord and to resell it to tenants. The Home Rule Bill was rejected by 343 votes, which included 93 Liberals, to 313. The Liberal Unionists joined the Conservatives. The Irish therefore instituted a plan of campaign by which the tenants on each estate were told to offer their landlord what they considered to be a fair rent. If the landlord refused the offer, the rent was to be used to pay the expenses of the Land War. The Plan of campaign was however declared illegal. Salisbury's ministry adopted repressive measures and passed the Criminal Law Amendment Act in 1887. Parnell and the Irish members who were accused of responsibility for Land League outrages were shown by the Parnell commissions in 1890 to be not responsible for more than intimidation. Parnell died in 1891. The Irish nationalist party then split into two divisions. The majority accepted the leadership of Justin Macarthy. Those who were followers of Parnell were led by John Redmond. The Irish Land Act of 1887 admitted leaseholders to the benefits of the Act of 1881, and that of 1891 encouraged tenant-ownership.

The Liberal ministry of Gladstone again brought Home Rule Bill in 1893 and was supported by 81

Fifth period (18931906) and Unionist carried in the House of Commons, it was thrown out in the House of Lords, who sympathised with Ulster and Irish landlords. In 1896 the Irish Land Act extended the scope of previous acts, but the cause of Home Rule received a set back during 1895-1906 when the Unionists were

in power.

The Irish Parliamentary party which was led by John Dillon endeavoured to get Home Rule. The Liberals continued to advocate it. The Unionists believed in small reforms and introduced the Irish Councils Bill in 1905 which aimed at giving Home Rule by instalments and by devolution of power, but it failed to satisfy the Irish demands. The Bill was therefore withdrawn.

In 1906 the Liberals came to power. The Irish nationalists members in the parliament of 1910 were

1916) and Home Rule Act.

75. The government secured their Sixth period (1906— support and introduced in 1912 a Home Rule Bill after the Parliament Act of 1911 which curtailed

the powers of the House of Lords. It was once rejected by the House of Lords but passed in 1914. It gave some powers of self-government with a bicameral legislature. The questions of defence, foreign policy and some other matters were excluded from its direction and control. Forty-two Irish members were to sit at Westminister. British parliament kept amending and overriding powers. The Protestants of Ulster however opposed it. They did not want this separation from Englad and the rule of the Roman Catholics who would be in majority in the Irish parliament

Ulster revolted. It wanted to Ulster revolt. maintain the union. Under the leadership of Sir Edward Carson, a covenant was made in 1913 to oppose Home Rule. Two hundred thousand men swore to support the covenant and an army of one hundred thousand Ulster volunteers was formed, and a provisional government composed of a council of 400 and an executive of 5 was established to take over the government of Ulster when the Home Rule Act would come into operation. In 1914 the government was going to put down the Ulster revolt with the use of military, but some officers refused to fight against Ulster. Rifles and ammunition were secretly brought from Hamburg and distributed over Ulster by the rebels. The government showed weakness in not using strong

measures against this armed rebellion. It on the contrary introduced a Home Rule Amending Bill which was passed by both the Houses enabling the six Protestant counties of Ulster to vote themselves temporarily out of the operation of the Home Rule Bill. A conference was held in order to discuss the Irish question in the Buckingham palace. It was opened by the king, but it failed. Then war broke out and the suspension of the Home Rule Act postponed the solution of problem.

The problem of peasantry was tried to be solved by the Windam's Land Purchase Act of 1903 which created a fund of ten million pounds out of which landlords who wished to sell their land were to be paid. It led to a great increase in the sale of the land. The Evicted Tenant's Act of 1907 provided for the restoration of evicted tenants. The Irish Land Act of 1909 provided for the payment of the Irish landlords in cash.

The Irish parliamentary party did not desire Rule. complete separation but only wanted Home Their leader now was John Redmond. The nationalists however The Irish parliamenbegan to assert that Ireland was a tary party. distinct nation and to think in terms of separation and revolution. There was also a number of associations which streng-The Nationalist party. ened the national movement. In 1884 the Gaelic Athletic Association was formed to revive old Irish games. In 1893 the Gaelic League aimed at "establishing a new nation on the map of Europe". It promoted the revival of the Irish language and literature. There was also Young Ireland movement which helped the feeling of national separatism and distinctness. A combination of political clubs called Cumannnan Gaedhal which favoured separation soon took place. Its aims were set forth by the United Irishman which was founded in 1899 and edited by Arthur Griffith. It was against free trade, the representation

of Ireland in England and the policy of the Irish parliamentary party. Griffith advocated a parallel system of courts, schools, banks, swadeshi and boycott, and prevention of drink to decrease revenue.

In 1905 was formed the national council to carry out this programme. Thus the Sinn Fein or 'ourselves' movement came into existence. It did not at first show any revolutionary or illegal tendencies. It objected to British government in Ireland, good or bad. It declared that "we are a distinct nation". It demanded at first a revival of Grattan's parliament and not complete independence. Its methods were peaceful though extraparliamentary. Its influence however was not great during the years 1905-1913.

The Irish Labour party was also organised during this period. In 1896 James Connolly founded the Irish Labour Party.

Irish Socialist Republican party. It aimed at organising labour on trade union lines for political action. It appealed to Gaelic tradition and asserted that Ireland was a nation. It opposed the Irish Parliamentary party and the Home Rule Bill of 1912. Connolly stated that the Irish question was at bottom an economic question and claimed that the entire ownership of land in Ireland was vested in the people of Ireland He wanted to improve the conditions of work of the labouring class. He thus combined socialistic with nationalistic ideas and aroused the people.

The Ulster armed revolt and its success, and the failure of the government to put it down led to the formation of the Irish volunteers.

They aimed at securing and maintaining the rights and liberties common to all the people of Ireland without distinction of creed, class and politics. The national party however disclaimed any enmity towards Ulster as such. It stated that the Ulster revolt established "the principle that Irishmen have the right to decide and govern their own

national affairs". It began to arm the volunteers withrifles and ammunition. The Labour party formed the citizen army in order "that Labour might no

longer be defenceless".

The success of the Irish volunteers and the strong nationalist opposition to the partition of Ireland proposed by the Home Rule Amend-Seventh period (1916-1922) and the Sinn ing Bill strengthened again the Fein movement. Sinn Fein movement. Its object now became complete independence. It also developed as a revolutionary movement. The Irish parliamentary party led by John Redmond kept loyal to Great Britain and promised help during the war. He force saw the danger of revolution and urged in 1917 the British government to bring the Home Rule Bill into operation. But his request was refused. He and his party therefore left the House of Commons in protest. He died in 1918. Sinn Fein party was against giving any help in war. It stated that Ireland was not at war with Germany "and we serve neither king nor Kaiser". There were other causes which increased this spirit of opposition to England. Sir Edward Carson who had led the Ulster revolt was admitted into the cabinet in 1915. Taxation had become heavy. There was also the fear of conscription. Many of the Irish volunteers refused to join the army and united with the citizen army. Germany promised to supply arms. The Irish Americans provided funds. În 1916 took place the Dublin revolt. Sir Roger Casement brought arms from Germany but was captured. Conolly hoisted the Irish Flag on Liberty Hall. Thus Dublin revolt. began the Dublin rebellion. Its aim was to seize Dublin and to stir up revolution in Ireland. The Germans were to attack the east coast of England. This revolt lasted for six days. It was largely the work of the Labour party. The Irish parliamentary party was against it. The Sinn Fein party did not take a direct part in it but sympathised with it. It however failed. The government arrested a large number of Irishmen and tried them secretly. Conolly

was executed. De Valera and others were condemned to penal servitude for life. Some were however innocent. All these events and causes strengthened the Sinn Fein movement. In 1917 a National Assembly at Dublin demanded the representation of Ireland as an independent nation at the Peace Conference, and De Valera was elected president of the Sinn Fein party. A conference of Irishmen called by Mr. Lloyd George broke down. The death of John Redmond weakened the Irish parliamentary party. The Conscription Bill of 1918 led to the combined opposition of the Sinn Fein party, the Irish parliamentary party and the Roman Catholic Bishops to the British government. The Labour party also joined them. In the general election of 1918 they jointly returned 73 members out of 106. They were all pledged to support Irish independence and to abstain from attending the British parliament.

In 1919 the Dail Eirann or the Irish Constituent Assembly met in Dublin. It was composed of 29 members of parliament who were free. It proclaimed the independence of the Irish Republic and appealed to the League of Nations. It set up its own government and began to collect arms for active resistance. It established courts of arbitration, civil and criminal courts, a system of police, a national land bank, and began to regulate drink traffic. It received financial help from America. The result was that the administration of law did not function in many parts of Ireland. During 1919-1921 there was a regular period of terrorism in the country. There were murders of policemen and soldiers and reprisals. The Sinn Feiners and the Royal Irish Constabulary helped by a new force of Black and Tans of demobilised soldiers, and a special Auxiliary Force of ex-officers fought against each other. Both sides however lost heavily in men and property.

In 1920 the government of Ireland Act was passed. It established a northern parliament with 52 members and a southern with 128. 42 Irish members were to sit

in the British parliament. The northern parliament began to function, but the southern did not.

Mr. Lloyd George offered in 1921 to Ireland dominion status, reserving some control over defence,

Lloyd George's offer and articles of agreement. enforcing free trade between the two countries, and making Ireland responsible for a share in the

National Debt. De Valera refused the offer. He wanted complete detachment. There were further conferences. The extreme Republicans opposed the terms. Sinn Fein party however accepted them. The Articles of Agreement granted Dominion Status to Ireland with a parliament and responsible executive Ireland was to be known as the Irish Free State. Certain provisions mentioned above were laid down for regulating the position of the Irish Free State in relation to the Imperial parliament, otherwise its position was to be like that of the Dominion of Canada. The members of the Irish parliament were to take an oath of allegiance to the Irish Free State and to be faithful to the king of England and his successors. Thus Ireland got complete control over its own internal affairs, finance, administration and legislation. In 1922 an Act of the Imperial parliament to provide for the constitution of the Irish Free State was passed. It legalised the Articles of Agreement. The Act was accepted by the Dail Eirann sitting as a constitutional assembly.

The northern Ireland now enjoys responsible government under the government of Ireland Act of 1920. It is however still an integral part of the United Kingdom and its legislative power is subject to that of Imperial parliament and subjects of defence, foreign affairs etc., are reserved for imperial government. It sends representatives (thirteen) to the British parliament.

The British parliament possess legal supremacy over all parts of the British Empire. But its acts do not extend beyond the United Kingdom unless

words relating to them are expressly inserted. A colony is any part of His Majesty's dominions exclusive of the British Isles and of British India. These dominions fall into two groups, the Self-governing Dominions and the Crown Colonies. The English colonists carried with them the laws and institutions

of their country. They did not Early colonial give up their franchise or freedom government. when they left England. Colonial constitutions were modelled on the English constitution. The governor was the viceroy of the crown. The legislative council or upper chamber was appointed by the governor and the legislative assembly or lower chamber was chosen by the people. This colonial parliament adopted the methods and procedure of the British parliament and made laws for the internal government of the colony. Every colony acknowledged the legislative supremacy of the British parliament and the prerogatives of the crown. The assent of the king or his representative was necessary for the validity of the laws of the colonial legislature. The English parliament was able to bind the colony by its acts and to supersede all colonial legislation. The decisions of the colonial judicature were subject to an appeal to the king in council at Westminster. In matters of imperial concern English government imposed its own policy, but in other cases it left the colonies free. In commercial matters it imposed restrictions on them in the interests of the mother country by means of Navigation Acts and other regulations protecting her own manufactures. Colonies were only to supply raw produce. Prohibitary duties were imposed on foreign commodies. Their shipping was also restricted. England claimed a monopoly of colonial markets. Trouble however arose with these

colonies in America when the Stamp Act imposed

duties for revenue purposes. The colonists objected

to taxes for revenue. They did not object to paying

duties meant for commercial purposes. They had not

been taxed uptil then directly for imperial purposes

by the authority of the English parliament. They would not agree to taxation for revenue without their consent through their representatives. The first period in colonial policy ended with the independence of American colonies.

There was another type of colonies which were not originally settled by Englishmen but acquired by conquest or cession. They were dominions of the crown and were Government crown colonies. governed by the king-in-council according to laws prevailing at the time of their acquisition. They were called crown colonies. The dominion of the crown in them was absolute and the authority of the colonial office was exercised directly by instructions sent to the governor. Some of these colonies such as Canada were given free institutions and became self-governing. In them the authority of the colonial office was exercised indirectly through the influence of the governors and their councils.

After 1833 when slavery was abolished a new commercial policy of free trade came to be gradually adopted. It abolished the old sys-New conditions and tem of protection and monopoly of new policy. the colonial trade. The colonies were also developing in population, trade and political ambition under French and English political and economic influences. The English government admitted the rights of self-government of the colonies after the Canadian rebellion of 1837. Lord Durham's report recommended the grant of responsible government to colonies which advocated the principle of the responsibility of the executive to the legislature based on the practice of ministerial responsibility Responsible governin England. In 1840 the Canadian ment. Act of Union embodying Lord

Durham's report gave Canada responsible government, in which the executive was made fully responsible to the representative assembly. Thus was complete responsible government in addition to representative

government was established in Canada. The other principle of federation was introduced in 1867. It was impossible to carry on the govern-Federal government. ment of wide areas from one centre especially when they had rapidly developed in population and resources. It was considered inadvisable to split the colonies into entirely separate and disconnected units. The British North American Act of 1867 established the Dominion of Canada with a federal and responsible system of representative government in the central as well as provincial units. The governorgeneral represents the king and there is a bicameral legislature. Canada thus passed through four stages in the development of her constitution. In 1774 under the Quebec Act she was a crown colony. Her government was in the hands of the crown acting through a governor and a council both appointed by the crown. The Canada Act of 1791 gave her representative government, the Reunion Act of 1840, responsible government and the Act of 1867, federal government. Similar four stages are visible in the history of other dominions, such as Australia. Before 1843 it was a crown colony. After that year came representative government. In 1854 responsible government was established in Australian colonies. The increase of population and the need for the regulation of communications and tariffs, and the question of defence led to their federation in 1900 when the Commonwealth of Australia Act was passed. Similarly New Zealand in 1852 got responsible and federal government and was made a dominion in 1907. The Union of South Africa was established in 1910. Southern Ireland became the Irish Free State in 1921. Other colonies have not reached this stage and are either crown colonies or possess representative government.

The other problem relating to the British Empire is not that of internal government of the colonies but

Colonies and Imperial government. that of their relation to the government of the United Kingdom. Legally the Imperial parliament is supreme. But the relationship between the dominions and the crown and the Imperial parliament present questions of great difficulty. Theirs trict legal status has remained unchanged but their political status has altered rapidly owing to their participation in the war of 1915-1919. The grant of responsible government

before the war. had already led to the relaxation of imperial control and in practice before the war the self-governing dominions were exercising complete internal sovereignty. They had unlimited freedom of action in foreign commerce and full consultation in foreign affairs. Since 1887 there have been imperial conferences periodically for the purposes of consultation between the self-governing governments of the empire. After the adoption of free trade different opinions were held in England as to the

colonies. Cobden and Bright re-Two views. garded them as a burden which ought to be thrown off. Colonies were to be granted independence as soon as it was demanded. Lord John Russell however refused to give up the colonies but determined to give them constitutional freedom. He was against the dissolution of the Empire and the abandonment of the colonies to themselves. After 1870 there was a reaction against this view. The new view which prevailed was of the retension of colonies. The idea of imperial federation was suggested. In 1884 the Imperial Federation League was started in London. It was at its suggestion that the first Imperial Conference was held in 1887 in London. The idea of empire had also changed. It did not mean, in certain cases, dominion and power or trade and wealth, but a trust extending and developing by stages political liberty and freedom of opportunity for all who inhabit it. A union of the parts of empire was to be based on common institutions and common conception and attachments and was to be maintained by methods of councils and conferences and not by a regular imperial federation. The personification of the union and its link was to be the English sovereign.

The chief subjects discussed in the first Colonial Conference of 1887 were imperial defence and intercommunication, especially postal Imperial conferences. and telegraphic. Other subject discussed related to trade and tariffs, patents and copy rights, and ship subsidies. Its recommendation were merely advisory. It was attended by colonial ministers in office and also non-ministers. The second conference met in 1897 at the sixtieth anniversary of Queen's accession. Mr. Chamberlain suggested imperial federation as a goal. In the third conference of 1902 he again emphasized the idea of the political federation of the empire. It adopted a resolution in favour of regular meetings at fixed intervals. The fourth conference of 1907 gave effect to it. It adopted an organisation with a permanent staff and resolved that meetings should be held once in four years. The future conferences were to be called imperial conferences. These conferences did much to establish mutual understandings and to give the colonies the opportunity directly and openly to express their views about colonial problems and the methods of colonical government and to understand imperial problems. The first Imperial conference of 1911 discussed proposals for imperial organisation. But the war interrupted these regular conferences. There however developed during the war an imperial war cabinet and an imperial conference was called in 1917 and 1918 to discuss the problems of war, foreign affairs, defence of the empire and the machinery necessary for the constitutional organisation of the empire. Thus before the war and during the war England and her self-governing dominions had recognised the supreme importance of the empire and had tried to understand and to solve their common problems. But they emphasized the principles of dominion status and freedom and not imperial centralisation. All attempts to make the dominion governments the organs of imperial centralised authority have failed. They emphasized the unity of the empire and loyalty to the crown. From

1911 the dominion delegates were for the first time admitted to full knowledge of imperial diplomacy and defence.

There were after the war imperial conferences in 1921, 1923, 1926 and 1930. In 1921 their right to maintain legations in foreign countries was admitted. In 1923 their right to negotiate treaties, subject to the understanding that other governments are to be kept informed and were to be involved in no active obligations without their expressed consent was also admitted. That of 1926 realised that the disparity between the

legal status of the dominions and their political status was too great to last. The Dominions had obtained the right to make separate treaties with foreign powers in the name of the crown without the participation of the Imperial government or parliament. The dominions also became independent members of the League of Nations. Thus they got a distinct sovereign international status and share in the control of the foreign policy. They enacted their constitutional amendments. It was therefore quite clear that the old forms did not correspond to existing facts. Hence the conference adopted a set of

Conference.

Conference.

Conference.

Constitutional principles and made the declaration that the United Kingdom and the dominions are

"autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by common allegiance to the crown, and freely associated as members of the British Commonwealth of nations". A conference was set up to consider how far legal forms should be changed and brought into line with this declaration. It reported in 1929. The Imperial conference of 1930 adopted the proposals in this report and the Statute of Westminster of December 11, 1931 gave effect to them.

The statute defines what the dominion status to-day means. Its preamble states that the crown is the

symbol of the free association of the members of the British Commonwealth of nations,

Statute Westmina term which means the empire regarded as a number of indepen-

dent sovereignties, one of which is the United Kingdom and its dependencies, that they are united by a common allegiance to the crown, that any alteration in the law touching the succession to the throne or the Royal Style and Titles shall require the assent of all and that no law of British parliament shall extend to any of the dominions without its request and consent. It enacts that the laws made by the dominions shall not be void or inoperative because they are repugnant to the laws of England, and the dominion parliaments can repeal or amend any such laws and that the dominion parliaments have full power to make laws having extra-territorial operation. Thus the dominions and the United Kingdom enjoy systems of full responsible government. The dominion governor-general however does not possess the external prerogrative of the right to declare war, to proclaim neutrality or peace, or to exercise the treaty power. In these the king himself still acts. The king also represents a reserve power of control over the due working of constitutional government. The Imperial parliament still possesses a pre-eminence over all the other parliaments. The Act recognises its right to legislate for the dominions with their assent and maintains intact the constitutional restrictions on the alteration of their constitutions. There is no right to secede without the consent of the crown and other members. The dominions sovereign international states. Each dominion may exercise the treaty power through its own representatives, but there has to be consultation before hand with other parts. It cannot impose by treaty any obligation on any other part. Thus the dominions have attained national sovereignty and have secured for themselves full recognition of foreign states. The control, however, of the highest attributes of external sovereignty are still formally vested in the king

presides over it.

personally and not delegated to his representatives in the dominions.

The Judicial Committee of the Privy Council is the judicial link of the British Empire. It acts as a supreme court of appeal from the Judicial Committee courts of every dominion, colony, of the Privy Council. India and protectorate where the crown exercises jurisdiction. Its jurisdiction is the ancient jurisdiction of the king-in-council to hear appeals from the overseas dependencies. This jurisdiction was made statutory in 1833 by the Judicial Committee Act of that year amended by subsequent acts which set up a judicial committee to hear appeals. It is composed of all members of the Privy Council who have held high judicial office including the seven Lords of appeal in ordinary, two salaried members with Indian legal experience, and any judges of the superior courts of the dominions or of any colony who are Privy Councillors. They are really judges, but in form and in name they are committee of the Privy Council. The sovereign gives the judgment himself but always acts on the report of the committee. Lord Chancellor

## INDEX.

A

Aberdeen, Ministry of, 363. Abhorrers, 196, 242.

A Certiorari, writ of, 430.

Act, Abolition of Slave Trade (1806), 323.

Affirmation (1833), 351, 437; (1888), 440.

Annates (first 1532), 11, 12; (second 1534), 13.

Army, 437. "

Ashbourne (1881), 378, 449

Ballot, (1872) 371. ,,

Benefit of Clergy (1512), 6. "

British North American, " (1867) 369, 459.

Burials (1880), 375.

Campbell's Libel (1843), 358.

Canadian Union (1840),357, 458.

Catholic Emancipation (1829), 337, 338, 339.

Church of England sembly (powers), (1919), 441, 442.

Civil List (1782), 277.

Combination, 294, 333, 334, 336.

Commonwealth of Australia, (1900), 385, 459.

Conventicle (1664), 178.

Corporation (1661), 178; repeal of (1828) 336, 339, 437.

Corrupt Practices (1854), 369.

Declaratory, for Ireland (1719), 247, 309.

Declaratory, for America . (1766), 274, 275.

Act, Defence of the Realm (1914-15), 399, 401, 434.

Disabling, 192.

Dissolution of Chantries, (1547), 24,

Dissolution of Lesser Monasteries (1536). 15.

Dissolution of Greater Monasteries (1539), 18.

District and Parish Councils (1894), 382.

Ecclesiastical Appointments (1534), 13.

Education (1876), 373; (1881), 375, ;(1902), 390; (1918), 404.

Elementary Education (1870), 370.

Emancipation of (1833), 351.

Emergency Powers (1920) 406, 432, 434.

Employer's and Workmen's (1875), 392.

Evicted Tenant's (1907), ,, 452.

Factory (1833), 351; (1847), 361.

Five Mile (1665), 179.

Forced Loans (1484), 105

Fox's Libel (1792), 327. ,,

Government of (1919), 405, 406.

Government of Ireland (1920), 455, 456.

Government of London ,, (1899), 384, 385.

Great (1689), 218. "

Grenville's (1770), 344.

Habeas Corpus (1679), 193.

Act, Habeas Corpus Suspension (1794), 294; (1817), 327, 333.

, Hobhouse (1831), 382.

" Home Rule (1914), 451; its suspension, 452; (1920), 406.

" Indemnity (1727), 250; (1920), 434.

" Indemnity and Oblivion (1660), 175, 177.

" Insurance (1911), 399.

" Irish Coercion (1796), 319; (1833), 443; (1874), 447; (1881), 448.

,, Irish Land (1870), 370, 446; (1881), 375, 379, 448, 450; (1887), 379, 450; (1896), 450; (1909), 452.

" Irish Municipal (1840), 443.

" Irish Poor Law (1838), 443.

" Jesuits (1584), 44.

" Jews (Admission to Parliament) (1858), 437.

" Judicial Committee (1833), 464.

" Licensing (1662), 222; (1685), 222.

" Local Government (1884), 379, 380, 381; (1929), 410.

" Monopolies (1624), 115.

" Municipal Reform (1835,) 353, 354.

" Mutiny (1689), 217, 437

" Occasional Conformity (1711), 235.

" Octennial (1768), 315.

" Old Age Pensions (1908), 393.

" Parliament (1911), 398, 428. Act, Parliament Elections (1868), 426.

" Parliament Oaths (1888),

438.

" Parliament Papers (1840), 425.

Parliamentary Oaths (1866), 437.

,, Peter's Pence (1534), 13.

" Petition of Rights (1860), 431.

" Place (1708), 233; (1742), 251, 260; (1782), 277, 343.

" Poor Law (1601), 52.

" Poor Law Amendment (1834), 351, 359.

" Public Authorities Protection (1893), 431.

" Public Health (1872), 380.

" Recissory (1661), 179.

" Recognition of Queen's Title (1559), 36.

Recognition of King's Title (1604), 93.

", Reform (1832), 349; (1866), 366; (1884), 375, 376, 377.

Representation of the People (1918), 402, 403, 404, 409; (1928), 409.

" Riot (1714), 246.

" Romanists (1562), 40.

" Royal Marriage (1772), 274.

" Schism (1714), 236.

" Scotch Five Mile, 180.

" Security (1703), 232.

" Septennial (1716), 246. " Settlement (1701), 225,

226. Shirley's case (1604), 95.

" Six Articles (1539), 17.

INDEX

Act South Sea (1720), 248.

Stamp (1765), 273, 274, 275.

Strode's Case (1512), 6, 7, 83.

Succession (1534), 14; (1536), 16; (1544), 19.

Supremacy (1534), 14, 29; (1559), 36, 37, 47, 48, 49.

Supreme Court of Judicature (1873), 371, 372; (1925), 429.

Test (1873), 184; repeal of (1828), 336, 339, 437.

Tithe Commutation (1838), 443.

Toleration (1689), 216,221.

Tonnage and Poundage (1641), 139.

Trade Union (1871), 370, 392; (1913), 399; (1927), 408.

Trades Disputes (1906),391.

Treason's Act (1495), 4, 81; (1534), 14, 81, (1552), 26; (1559), 36; (1571), 43; (1696), 221, 223.

Triennial (1641), repeal of (1664), 179;

(1694), 211.

Unemployment Insurance (1920), 405; (1927), 408.

" Uniformity (1549), 24; (1552), 27, 29; (1559), 37, 38, 48, 49; (1662), 178.

Unlawful Retainers and Liveries (1503), 4.

Workman's Compensation (1897), 384; (1906), 391.

Act, Wyndham's Land Purchase (1903), 452.

Acton (Lord), on Cromwell, 167; his estimate examined, 168.

Addington, ministry of, 322, 3**2**3.

Addled Parliament, 105.

Affirmation Act, 351.

Affirmation Bill, 375, 440.

Agreement of the People, 151, 154, 159, 160; its character, 154, 155.

Allegiance, 431.

Albert, Prince, 354, 365.

Althorp, Lord, 329, 352.

American Import Duties Bill, 275.

American War of Independence, 274-276.

Anabaptists, 159.

Anglicans, 83, 84, 120, 160, 165, 172, 176, 177.

Anglican Church Settlement, 34, 35; its character, 37.

Annates, 11, 12, 13.

Anne Boleyn, 8; her marriage, 12, 13, 14, her execution, 16. Anne of Cleves, 19.

Anne, Queen, her reign 227-244; her first Parliament second, 230; third, 234;

fourth, 234; fifth, 236; her death, 237; her Bounty, 229.

Anson on Star Chamber, 73.

Anti-corn Law, League, 356, 359; Leaguers, 359; movement, 358.

Appello Caesarem, 121.

Arabella Stuart, 93.

Areopagitica, 160, 222.

Argyle, Earl of, 141; his execution, 204.

Argyle, Duke of, 237. Armada Spanish, 43, 44, 64. Arminian Doctrine, 121. Arminianism, 121. Army Act, 437. Army and Navy Service Bill, 323. and Parliamentary Army Differences, 150, 153. Army, its first manifesto, 151, 152; its second manifesto, 154; its character, 155. Arthur Prince, 8. Articles of Agreement, 456; of Faith, 17; of Kilkenny, 160, of Perth, 72; Six, 17; Ten, 17; Thirty-nine, 36,

Babington Plot, 44. Bacon Francis, 61, 105, 107, 112; his Theory of Government, 119. Baldwin Stanley, his first ministry, 406; his second ministry, 407, 408. Balfour Arthur, 375, 378, 379, 391; his ministry, 389, 390. Ballot Act, 371. Bancroft Archbishop, 88, 100, 102, 110. Bank of England, 223. Barebone's Parliament, 161. Baronial party, 239. Barrowists, 45. Battle of Blenheim, 232. of Boyne, 308. of Naseby, 149. of Newburn, 136. Baxter's Trial, 204. Becket, St. Thomas, 17. Bedchamber question, 356. Bell, 50.

42, 48, 50, 88; Forty-two, 36, 41. Articuli Cleri, 100. Ashbourne Act, 378, 449. Asquith, 391; first ministr · 393; second. 397; third, 398; national coalition, 399, 400. Assembly of Nominees, 161, 162. Attainder Bill, 138. Attorney-general, 415. Australia, Commonwealth ot, 385, 459. Awakening of the people under Tudors, 85, 86. Aylmer Bishop, on Monarchy, 66.

B

Benevolences, 105, 124, 130. Bennet Sir John, impeachment of, 112. Bentham Jeremy, 331, 334. Bentick, Lord George, 360. King's Berkley (Justice), on prerogative, 132. Berwick, pacification or treaty of, 135, 136. Bible, Coverdale's, 17, 19; Cranmer's 18, 19; Great, 18, 19; Mathew's, 19; Tyndal's, 10, 19; its authorised version, 89. Bill, Affirmation (1883), 375; (1888), 440American Imports Duties (1766), 275.Army and Navy, (1807), 323. Attainder (1641), 138. ,, Bishop's Exclusion (1642). 140, 142. Constitutional, 164.

Bill Cope's, 50, 51.

" Education (1906), 392.

" Excise, 248, 250.

" Exclusion, 193, 194, 195, 196, 197.

" Fox's India (1783), 278.

" Home Rule (1886), 379; (1893), 381; (1912), 399, 401.

" Home Rule Amending (1914), 452.

" Irish Coercion (1874) 447; (1881) 448.

371. Irish University (1873),

" Jamaica, 356.

" Militia (1642), 142, 143.

, Morice's, 51.

" Oath of non-resistance, (1675), 189, 190.

" Oaths (1881), 379.

"Occasional non-conformity, (1702', 229.

Pains and Penalties

(1820), 335.

" Paper Duty (1860), 364.

" Parliament (1910), 397.

" Peerage (1719), 247.

" Plural voting (1906), 392.

Protestant Securities, 188, 197.

Reform (1831), 347, 348; (1866), 366; (1884), 375, 376.

Regency (1765), 273; (1810), 324.

" Rights (1689), 216, 217, 221.

" Royal Title's (1876), 373.

" Sales (1660), 175.

" Strickland's (1571), 50, 61.

Submission of clergy (1532), 13.

Bill Wentworth's, 51.

Birmingham, Union of, 347.

Bishop's Book, 17.

Bishop's Exclusion Bill, 140, 142.

Bishop's wars, first, 135; second, 136; their importance, 137.

Black Acts of Edinburgh, 91.

Black and Tans, 455

Blackstone on prerogative, 117.

Blanketeers, march of, 327.

Blenheim. battle of, 232.

Bloody Assize, 204.

Board of Admiralty, 416.

" Education, 416.

Trade, 416.

Bolingbroke, Henry St. John, 229, 233, 234, 236, 246, 250, 261, 268, 270.

Bonner, 31.

Book of Common Prayer, first, 24, 25; second, 27, 36, 38, 48.

Book of Common Order, 89; of discipline, 89.

Book of Rates, 101.

Book of Sports, 133.

Boroughs, pocket, 340, 341; rotten, 340, 341.

Boyne battle of, 219, 308.

Boys, 250.

Bracton, 117.

Bradlaugh Charles, case of, (1880-1886), 438-440.

Bradshaw, 175.

Brett Sergeant, 445.

Bribery Acts, 369.

Bright John, 356, 359, 392;

on colonies, 460.

Brougham Lord, 331. 335, 336, 338, 339, 357.

Brownists, 45.

Buchanan, 91.

Buckingham, George Villiers, Duke of, 121, 122; impeachment of, 122; assassination of, 126.

Budget of 1907, 393; and the House of Lords, 393, 394.

Bull of, Hadrian, 296; Pius V, 42. Burdett, Sir Francis, 326, 328, 336, 346, 347.

Burke, 332, 449; on American Colonies, 275.

Burns John, 391, 399,

Bute Lord, 268, 271, 272; ministry of, 272.

Butt Isaac, 447.

Bye plot, 92.

C

Cabal, 183.

Cabinet, 254-264; its composition, 413, 314; Imperial War, 401.

Cabinet Government, rise of, 252-266.

Calais, loss of, 31.

Calvinism, 144.

Calvinist doctrine, 121.

Calvinist view of church and state, 40.

Calvinists, 34.

Campbell Bannerman, ministry of, 391, 393.

Campian Edmund, Jesuit, 43, 44.

Canada, 355, Dominion of, 367.

Canadian Act of Union, 458.

Canning, 331, 335; ministry of, 336.

Canningites, 336, 338.

Canons, Book of, 135.

Caroline (Queen) of Anspach, 250.

Caroline Queen, 335.

Carson, Sir Edward, 451, 454.

Carteret, 250; his drunken administration, 251.

Cartwright Thomas, his Admoniton, 45. Case of Anderson v. Gorrie, 429.

" Arundel, Earl of, 122.

others, 229, 230.

.. Bates, 98, 102, 107.

" Bradlaugh, 375, 379.

" Bradlaugh v. Gosset, 427.

" Burdett v. Abbot, 426.

" Bushell, 186.

" Calvin, 100.

" Cavendish, 66.

" Commendams, 109.

" Coply, 60.

" Darcy v. Allein (Monopolies), 55.

" Darnel, 123.

" East India Co. v. Sandys, 200.

" Entick v. Carrington, 283.

Ferrers, 19, 58, 59.

Fitz Harris, 198.

Five Knights, 123.

" Floyd, Edward, 112.

" Fuller, 107.

" Godden v. Hales, 206.

" Godwin, 94.

, Hall, 60.

Case Hamond v. Howell, 191, 429.

" Hampden, 131, 132.

" Impositions, 98, 102, 107.

" Leach v. Money, 282, 283.

" Lon, 60.

" Monopolies, 55, 200.

" Norfolk Election, 59, 60.

" Oliver, St. John, 106.

" Parry, 60.

" Peacham, Edmund, 108, 109.

" Post-nati, 100, 107.

Proclamations, 103, 108.

" Prohibitions, 100, 101, 107.

.. Prynne, William, 130.

" Seven Bishops, 209.

" Shaftesbury, 190.

" Sheriff of Middlesex, 425.

" Ship-money, 131.

». Shirley, 94, 95; Shirley v. Fagg, 185, 186.

Skinner v. East India Co., 184, 185.

" Smalley, 59.

Stockdale v. Hansards, 424.

. Storie, 60.

" Strodes, 61, 127.

. Swindler's Appeal, 108.

"Thomas v. Sorell, 186, 187.

" Wason v. Walter, 425, 426.

Casement, Sir Roger, 454. Castlereagh, Lord, 321, 327, 330, 335. Catherine Queen, divorce of, 8, 12, 14.

Catholic Association, 337, 442.

Catholic Emancipation, 337, 338, 339, 442.

Catholic persecution, 42, 43.

Catholics, Roman, 34, 35, 36, 41, 42, 43, 44, 46, 47, 49, 160.

Cato Street Conspiracy, 327.
Cavalier Parliament, 177, its dissolution, 193, its political measures, 177; its religious measures, 178.

Cavaliers, 175.

Cavendish, case of, 66.

Cavendish, Lord Frederick, 449.

Cecil, William, 36.

Chamberlain, Joseph, 374, 377, 378, 379, 384, 387, 390; and colonies, 461.

Chancellor, Lord, 415.

Charties, dissolution of, 24. Chartist Movement, 355, 356, 360.

Chatham (Elder Pitt), 281, 286; his ministry, 273.

Charles I, his reign, 120—158; his marriage, 93, 113.

Charles II, his reign, 173-202; as a Prince, 170, 171.

Charles Edward, Young Pretender, 252.

Charles V, 8.

Church, its condition during Henry VII's reign, 6; during Henry VIII's reign, 8; its position after Henry's measures, 20; courts of, 47, 48; party, 239.

Church and State, before the Reformation, Roman Catholic views, 39; after the Reformation, Lutheran views, 40 and Calvinist view, 40.

Church of England, 440; its organisation, 441, 442.

Church of England Assembly (Powers) Act (1919), 441, 442.

Churchill, Lord Randolph, 375, 378, 389.

Civil Government and Civil Liberty under Elizabeth, 62. Civil List Act, 277.

Civil Service, permanent, 417.

Civil War, first, 144; questions involved in, 144, 145; its end, 149; second, 153.

Claim of Right (Scottish), 218.

Clare, Earl of, 318.

Clarendon, Edward Hyde, Earl of, 141, 144, 175; his ministry, 175; his political views, 181; his religious views, 181; his impeachment; 179, 182.

Clarendon Code, 178.

Classis, 89.

Clergy, Benefit of, 6; Submission of, 11, 12, 13; Submission Bill, 13.

Clerkenwell Prison, 445.

Coalition ministries, under William III, 224, 225, 226; under Queen Anne, 228, 230; of Pitt and Newcastle, 252; of Fox and North, 278; of Asquith, 399; of Lloyd George, 400, 405; of Macdonald, 410.

Coat and Conduct Money, 136.

Cobden, Richard, 356, 359, 392; on colonies, 460.

Cobdenites, 358.

Cobett, William, 326, 331, 333.

Coke, Sir Edward, 103, 106, 107, 108, 109, 111, 113, 115, 117, 124.

Colonial Government, early, 457.

Colonies, 457-464; and Imperial Government, 459, 460; two views on, 460.

Combination Act, 294, 333, 334, 336.

Commendams, case of, 109. Commissions of Array, 143. Committee of Safety, 170. Common man, rise of, 239. Common pleas, 107.

Common Prayer Book, first, 24, 25; seeond, 27, 36, 8, 48, 148, 173.

Commoners, arrest of five, 143; its results, 143.

Commons, Apology of, 96; first petition, 113; second petition, 113; protestation, 114; demands and measures, 143.

Commonwealth, 159-122, 175, 176; Causes of its failure, 171; its results, 171, 172. Commonwealth of Australia Act, 385, 459.

Compeggio, 8.
Confession of Faith, 89.
Confirmatio Cartarum, 98, 131.
Congregation, 90; lords of, 90.
Conolly, 454.

INDEX

Conservative party, 386, 387; and the House of Lords, 396.

Conservators of the Peace, 75, 76.

Constitutional, Bill, 164; party, its first split, 141; its second split, 147; its third, 151.

Continual Council, 67. Conventicle Act, 178.

Convention parliament, 170, 171, 173, 174, 175, its political measures, 175; its financial measures, 175.

Convocation, 441; ceases to tax itself, 179; its suppression, 247.

Cope's Bill, 50, 51.

Corn Law, 326, 333, 355, 356; of 1815, 358; its repeal, 358, 359; effect of repeal, 360.

Cornwallis, Lord, 320, 321.

Corporation Act, 178; repeal of, 336, 339, 43.

Corrupt Practices Act, 369.

Council, continual, 67; committees under Edward VI, 69, 70; of castle chamber, 72; of executors, 22; of officers, 161; of State, 159, its dissolution, 161, new, 163; of the north, 18, 71, 129, its abolition, 139; of Trent, 40; of Wales, 72, its abolition, 139; table, 71, 73; ordinary, 67, 253.

Dail Eirann, 455, 456 Danby, Earl of, 187; his ministry, 189; his impeachment, 192; and the country party, 190.

Counter reformation, 34, 35.

Counties Palatine, 16.

Country Party, rise, 188; its aims, 188, 189; and Danby,

190. 195, 197, 198, 201, 205. Court, of Admiralty, 72; of Augmentation, 15; of Chancery, 108, 162; of Common Law, 108; of Ecclesiastical Commisson, 207, 208, 210; of Judicature Act, 371, 372, 429; of Marches, 19; of Request, 72; of Star Chamber, 4, 63, 71, 72, 75, 88, 103, 106, 110, 129, 130, 1**3**3, 139.

Court Party, 189, 196, 238.

Cowell's Interpreter, 102; on prerogative, 118.

Cranmer, Thomas, 11, 12, 13, 22, 24, 29; his Bible, 18, 19, 23; burnt, 31; his Fortytwo Articles, 36, 41.

Cromwell Thomas, 15, 17; his

fall, 19.

Cromwell, Oliver, 141, 160, 161, 162, 164, 165, 166. 169, 175; estimate of his work, 167; his difficulties, 168; Acton on, 167, 168.

Cromwell, Richard, 169, 170. Crown Colonies, government of, 458.

Cumann nan-gaedhal, 452. Custodes or guardians of the Peace, 75.

Darien Scheme, 231. Darnel's case, 123. Darnley, Lord, 93. Davitt, Michael, 448, 449. Declaration of Breda, 170, 171
172, 174; of Indulgence (first
of Charles II), 178, 179,
(second of Charles II), 183,
184; of Rights, 214, 215; of
1926, 462; of Indulgence
(first of James) 208; (second
of James) 209.

Derby, Earl of, 357; his first ministry, 362; his second ministry, 363; his third ministry, 266; on the House of Lords, 395.

De Valera, 455.
Diamond Jubilee, 384.
Digges, 122.
Dilke, John, 374, 377.
Dillon, John, 451.
Disabling Act, 192.
Dispensing power, 205, 209.
Disraeli, Benjamin, 360, 361, 362, 363, 366, 371, 372, 384, 386; his first ministry,

369; his second ministry, 373; his character and work, 373, 374.

Divorce (Queen Catharine's),

8; repeal, 29.

Dominion Status, 463. Dover, Secret Treaty of, 183. Drapier, Letters of Swift, 310. Drunken Parliament, 179.

Dublin, revolt of, 454.

Dudley, 5, 6.

Dudley, Lord Guilford, 27; his imprisonment, 28; his execution, 30.

Dudley, John, Viscount of Lisle, Earl of Warwick, 22, 23, 25; Duke of Northumberland, his protectorate, 26; his plot, 27, 28; his failure, 27.

Dunning's resolution, 277, 338. Durham, Lord, 355, 357; his report, 458.

E

Eastern Association, 162, Commission, Ecclesiastical court of, 207, 208, 210. Ecclesiastical Supremacy. its nature and scope, 47, 48. Education Acts, 370, 373, 375, 390, 404. Education Bill, 392. his Edward VI, 22-28; 24; doctrinal charges, 23, his first parliament, 23; his second parliament, 23. Edward VII, 389-398. Eikon Basilike, 159. Ejectors, 165. Eldon, 336.

Election Petitions, 344.

Eliot John, 121, 122, 124, 126; his three resolutions, 126, 127. Elizabeth, as princess, 19, 27, 28, 29; as Queen, 33-38. Employer's and workman's Act, 392. Empson, 5, 6. Enclosures, 5, 21, 28. Engagement, 159. Episcopacy in England, 147, 153, 157, 176; in Scotland, **13**5, 136. Episcopalian Church, 176. Episcopalian party, 142. Episcopalians, 84, 137, 176, 242.

Erastians, 87.
Exchequer, the Stop of, 187.
Excise Bill, 248, 250.
Exclusion Bill, 193, 194, 195, 196, 197.

Executive, and Legislature, 418; and Judiciary, 418. Ex-officio Oath, 49, 88.

F

Factory Acts, 351, 361.
Fairfax, 170.
Falkland, 141, 144.
Federal government, 459.
Felton, 126.
Feni, 445.
Fenian Brotherbood 445.
Fenianism, rise of, 444, 445.
Ferrer, 31.
Feudal incidents, abolition of, 175.
Field, impeachment of, 112.
Fifth monarchy men, 159, 161, 166.

Fifteen, the, 246.
Fifteenths, 116.
Filmer's Patriarcha, 200.
Finch, speaker, 126.
Finch, Lord Chancellor, impeachment of, 138, 139.
Fisher, Bishop, 14.
Fitzgerald, 320.
Flood and parliamentary reform, 346.

Forced, Loans, 7, 105, 106, 124, 130, 136. Forest, laws, 130; annulled limitations on, 139. Fortescue. Sir John, 94. Forty, five, the, 252. Fox, George, 216. Fox's India Bill, 278. Fox's Libel Act, 327. Fox-North coalition ministry, 278. Francis, King of France, 33. Frederick, Elector of Palatine, 111, 112. Frederick, Prince of Wales, 2**5**0, **2**91. Free State (Irish), 406. Freedom from arrest, 58, 423;

of access, 58; of debate,

meeting,

speech, 61, 182, 183, 423.

French Revolution, its effects,

435;

423; of opinion, 434;

public

293, 294.

Fuller, 110.

G

Gaelic Athletic Association, 452. Gardiner, 31. General Assembly of the Scottish Church, 135, 136. General Warrants, 280, 284. George, Elector, Prince of Hanover, 236, 237.

George Fox, 216.
George, Lloyd, 391; his aets, 393, 394; his coalition ministry, 400, 405; and Ireland, 456.
George I, his reign, 245—249.
George II, his reign, 249—252.
George III, his reign, 268—328;

George IV, as Prince of Wales and Regent, 324,-329; as King. 335-338.

Geraldines, 300; revolt of, 300. Gladstone William Ewart. 358, 360, 362, 363, 364, 366, 371; his first ministry, 370, 371; his second ministry, 374, 375, 376, 377; his third ministry, 379; his fourth ministry, 381; effects of his liberal measures, 372, 378; his character and work, 383; his resignation, 383; his reforms, 445, 446.

Godolphin, 228, 234.

Golden Acts, 91.

Gorst, Sir John, 375, 378.

Goschen, 379, 380, 391.

Grafton, his ministry, 273.

Grampound, 247.

Grand Remonstrance, 142, 173. Grattan, his declaration of

Habeas Corpus, 62, 110, 123. Habeas Corpus Act, 193, 294, 327, 333; writ, 139, 430, 433, 434.

Hadrian, Bull of Pope, 296.

Haldane, 391.

Halifax Lord, 280, 281, 282.

Hallam, on Courts of Justice, 62; on monarchy, 65; on Star Chamber; on Elizabeth, 97, 105; on people's love of freedom, 116.

Hamilton, Marquis of, 135,141.

Hampden John, 123; case of, 131, 132; judgment against him annulled, 139, his impeachment, 143.

Hampden Clubs, 333.

Irish Independence, 315, 316; his proposals, 315, 316; and Irish Union, 321.

Great Act, 218.

Great Contract, 104.

Great War, 399; its results, 401.

Grenville's Act, 344.

Grenville, his ministry, 272, 323.

Grey, Earl of, 336, 351, 357; his ministry, 339; and reform, 346; on the House of Lords, 395.

Grey, Lady Jane, 27, her imprisonment, 28, 29; her

execution, 30.

Grey, Sir Edward, 391.

Grey, Henry, Duke of Suffolk, 29.

Griffith Arthur, 452, 453. Grindal, archbishop, 46, 49. Gun-powder plot, 93.

Н.

Hampton Court Conference, 88.

Hanoverian period, 245-464.

Harcourt, 383, 391.

Harley, 261. Haseling, his impeachment, 143.

Heads of Proposals, 150, 151,

152, 154, 174.

Henrietta Maria, 93, 121.

Henry IV of France, 85.

Henry VII, his reign 4-6. Henry VIII, his reign, 6-22.

Hartford, Earl of, 22.

High Churchmen, 215, 241.

High Commission, Court of,

37, 46, 48, 49, 103, 107, 129, 133, 135, 136; its

abolition, 139, 140.

High (Sco	Com		on (	Court
High C			gates.	48.
High C				
Char	les I.	154, 1	56, 15	7.
High I				
Histrio				
Hoadly		•		
Home			406.	451:
			379,	
	401, 4		•	
Home 452.				Bill,
Home	Rule.	Lea	gue.	447:
move	ement.	its p	hases,	446.
447;	and	Glads	tone,	379.
381,	399,	401,	449,	450,
451.				
Holles, ment	126, 1 , 143.	27; hi	s impe	each-
Homog Hone V	eneous	minis	stry, 24	3.
Hooker	on Mo	narch	y, 66.	
Impeac	hment	of B	ennet	Si-
		John	, 112.	Sil
**			ucking	

Hooper, 31. House of Commons, 421-422; and cabinet, 427, 428; and royal interference, 57; its character, 345; its growth in importance, 57, in privileges, 57, 58-61; its four resolutions, 124; its grievances, 95, 97, 104; its privileges, 423; and cabinet, 427, 428. House of Lords, 392-398, 418, 419; its abolition, 159; new, 166; its constitutional position, 395; its privileges, 420, 421. Houses, conflict between, 184, 185, 364, 365; relations between, 428. Hull, 144. Humble Petition and Advice, 166. Hume Joseph, 331. Huskisson, 331, 335, 336.

122. Clarendon, of 179, 182. of Field, 112. ,, of Finch, 138, 139. of Hampden, 143, " of Haseling, 143. " of Holles, 143. Kimbolton, of 143. of Laud, 148. of Middlesex, 115. of Mitchell, 111, 112.

Impeachment, of Mompesson, 111, 112. Montague, of " 122, 126. of Pym, 143. of Strafford, 138. 7, of William dela, " Pole, 69. Conferences, Imperial 460, 461. Imperial Federation, 480. Imperial Federation League, 460. Imperial War Cabinet, 401. Impositions, 105, 125, 136; case of, 98, 102, commons protest against, 99, 101, 102.

Impressment, for the army declared illegal, 139; of soldiers, 436; of sailors, 436. Incident, 141.

Indemnity, Act of, 177, 250, 434.

Independents, 45, 83, 137, 160, 148, 149, 150, 161, 162, 171, 173, 176.

Independent party, 147, 148.

Individualism, 331.

Injunctions, 48.

Institution of a Christian man, 17.

Instrument of government, 162, 164; its character, 163.

Insurance Act, 399.

Intolerable Acts, 275.

Invincibles, 449.

Ireland, its history upto Union, 292-322, and its history after Union, 442-456.

Ireton, 150, 175.

Irish Coercion Acts, 319, 443, 447, 448; Church Disestablishment of, 370; Free State, 456, 459; Graces, 304; Rebellion, 142; Labour Party, 453, 455; Land Acts, 370, 375, 379, 446, 448, 450, 452; Land League, 448, 449; Land War, 450; Municipal Act, 443; National League, 449; National party, 452; Parliamentary Party, 451, 452, 454, 455; Poor Law Act, 433; Rebellion (1798), 320; (1848), 444; Republic, 455; Republic, Brotherhood of the, 445; University Bill, 371; Volunteers, 453.

Jacobites, 241.

Jamaica Bill, 356.

James I, his reign, 85-119.

James, as Duke of York, 175, 196, 201, as king, his reign, 203-212.

James VI of Scotland and Presbyterian Church, 91.

James Edward, Old Pretender, 226, 236, 246.

James Seymour, 16.

Jeffries (judge), 200, 204, 205, 207, 209.

Jenkin's Ear, 251.

Jesuits, act against, 14.

Jews, 363.

Judges on monarchy, 66; to hold office for life and during good behaviour, 139.

Judicature, supreme court of. 371, 372, 429.

Judicial Committee of the Privy Council, 464.

Judiciary, 229; its prerogative writs, 430; its independence, 329, 429; and citizen's liberties, 429, 430; and crown, 431; and personal freedom, 432, 433.

Junius' letter, 285.

Justices of the Peace, 41, 52, 53; their origin and development, 75-80; their work, 77, 78; their importance, 78; their influence in parliament, 79; under the Stuarts, 79; checks on them, 79.

K

Ket's rebellion, 25.
Kildare, Earl of, 300.
Kilkenny, Articles of, 100.
Kimbolton Lord, impeachment of, 143.
King, 411, 412.
King's Bench, 107, 108, 109.
King's Book, 19.
King's Friends, 271, 277, 342.

Labour party. 240, 388; and War, 405; its character, 406, 407.

Laissez faire and State interference, 391, 392.

Lambert John, 170; accused of treason, 177.

Land Tax, 223.

Latimer, 31.

Latitudinarians, 216, 241.

Laud William, archbishop, 126
127, 128, 129; his religious
policy, 133; and Roman
Catholicism, 134; his episcopal measures in Scotland,
134, 135, their effect, 135;
his impeachment, 138, 148;
his imprisonment, 139; his
execution on a bill of
attainder, 148; his policy
reversed, 141.

Law, Bonar, 400.

Levant Company, 98, 99.

Levellers, 151, 159, 165; first manifesto, 151, 152; second, 154, 155.

Lex Regia (1539), 19; repeal of, 23.

Libel, Campbell's Act, 358; Fox's Act, 327. King in Parliament, 410.
King's party, 144.
King's speech, 422.
Kirk, the General Assembly of, 90, 91, 92.
Knighthood, distraint of, 130;

declared illegal, 139.

Knox, John, 89; his catechism, 90; his confession of faith, 91.

L

Liberal Party, 386, 387; divisions, 378, 379.

Liberals, 386, 387; and the House of Lords, 392.

Liberty, on religious, 437, 438; struggle for, 83.

Licensing Act, 222.

Lichfield House Compact, 443. Lillburne, 158.

Litany in English, 20. Little parliament, 161.

Liverpool, his ministry, 325, 326, 335, 336.

Local Government, Acts, 377, 380, 382, 410; system of (before the Tudors), 76; ander the Tudors), 77.

London, 130, 132; and Quo warranto writ, 200.

Londonderry, 130, 132.

Long parliament (of Charles I), its first session, 138; its political measures, 139; its ecclesiastical measures, 140; its second session, 140; its rump, 154; its dissolution, 160, 161, 170; (of Charles II), 177.

Lords Lieutenant, 25, 80. Low-churchmen, 241. Luddite Riots, 326. Luttrell, Colonel, 286.

Macarthy (Justice), 450.

MacDonald, Ramsay, his first ministry, 406, 407; his second, 409, 410, his Coalition, 410.

Magna Charta, 106, 107, 131. Magnum Concilium, 67, 136, 137.

Main plot, 92.

Mainwaring's sermon, 124.

Maitland on Star Chamber, 74, 75.

Major-generals, 165, 171.

Manchester Massacre, 327.

Mandamus, writ of, 430.

Margaret, 33.

Marlborough, Duchess of, 227, 234; Duke of, 228, 232, 233, 234; his character,

235, 236.

Martial Law, 64, 436, 437.

Martin-Marprelate's pamphlets,

Mary Queen (Tudor), 19, 27; her reign, 28-32.

Mary Queen (Stuart), 210, 214; her reign, 213-223.

Mary, Duchess of Suffolk, 20.

Mary Guise, 90.

Mary, Queen of Scots, 33, 35, 42, 43, 44, 90, 92; her execution, 44.

Masham, Mrs., 239.

Mathew's Bible, 19.

May, on freedom of reporting, 287, 288; on Ireland, 312, 321.

Maynooth College Grant, 444.

Lyndhurst Lord on the House of Lords, 396.

M

Melbourne, his first ministry, 351, 352; his second ministry, try 353, 355, 357.

Melville Andrew, 89.

Merton, Statute of, reenacted, 26.

Middlesex, Lionel Cranfield, Earl of, his impeachment, 115.

Militia, 149; Bill, 142, 143.

Mill, James, 334; John, 334, 371, 376, 392.

Millenary petition, 87, 88.

Milton's Areopagitica, 160, 222.

Ministries under Anne, character of, 237.

Ministry, its composition, 414; of Agriculture and Fisheries, 417; of Health, 416.

Mitchell, impeachment of, 111, 112.

Moderate party, 141, 142, 144.

Mompesson, Sir Giles, impeachment of, 111, 112.

Monasteries, dissolution of, 15, 18

Monk, General, 170.

Monmouth, Duke of, 196, 199; his execution, 204.

Monopolies, nature of, 54, 55, 130; act against, 115; their condemnation, 139.

Montague (Dr.), 121, 126; impeachment of, 122.

More, Thomas, 9, 12, 14.

Morice's Bill, 51.

Morley John, 377, 391, 399.

Morton's Fork, 5. Mountjoy, Lord, 302.

Municipal Reform Act, 353, 354 Mutiny Act, 217, 437.

## N

Napoleon, Louis, coup d'etat of, 361. Napoleonic Wars, results of, 326. Naseby, battle of, 149. National Covenant, 135. National dangers, dis-appearance of, 85. National debt, 223. Neile, Bishop of Lichfield, 109. Neville, Henry, 105. New Model Army, 148, 149. New Zealand, 459. Newburn, battle of, 136. Newcastle, ministry of, 252, 272. Newcastle programme, 381, 384

Newcastle propositions, 149. 152. Newcastle, seizure of, 136. Newport, treaty of, 153. Non-jurors, 215, 241. Norfolk, Duke of, his conspiracy, 42. North Lord, ministry of, 273-277; his resignation, 277. North Briton, 280, 281, 282, 284. Northumberland, Duke of, his protectorate, 26-28; his measures, 26, 27; his failure, 27; his plot and its failure, 27, 28. Northumberland, Earl of, 42.

## O

Oaths Bill, 379.
Occasional Non-conformity
Bill, 229; Conformity Act,
235; its repeal, 247.
O'Connell Daniel, 337, 338,
353, 357, 442, 443, 444.
O'Conner Feargus, 361.
Old Age Pensions Act, 393.
Onslow, on monarchy, 65.

Orders-in-Council, 3413.
Ordinance, self-denying, 148.
Ordinary Council, 67, 253.
Owen, Robert, 331, 334.
Oxford Parliament, 197.
Oxford Propositions, 146.
Oxford, Robert Harley, Earl of, 229, 233, 234, 236.

## P

Palmerston, Lord, 336, 339; and the Queen, 361, 362; his first ministry, 363; his second ministry, 363, 364, 365.

Panzani, 134.

Paper Duty Bill, 364.

Papacy, 8, 10, 11, 13, 14, 16, 17, 20, 29, 30, 31, 32; and popular feeling, 7, 8. Papists, 92,1 63, 165. Parker, archbishop, 41, 49; his Book of advertisements, 41, 44, 48; on monarchy, 66.

Parliament, Act (1911), 398, 428; and army, 150, 153; before the Tudors, 55; under the Tudors, 56, 85.

Parliament, Addled, 105; Barebone's, 161; Cavalier, 177, 193; Convention (Charles II), 170, 171, 173, 174, 175, 176; Convention (William III), 214; Drunken, 179; Little, 161; Long (Charles I), 137, 138, 139, 140, 154, 160, 161, 170; Long (Charles II,) 177, 193; Oxford, 197; Pensionary, 177; Protectorate, 164, 165, Scottish, 91, 92, 135, 136.

Parliamentarians, 242. Parliamentarism, 167.

Parliamentary, grievances under Charles I, 121, 122; monarchy, 267; parties, their separate proposals, 150; party, 141, 145, 147, 151; reform, prior attempts, 346, 347; reform and American War of Independence, 376.

Parnell, Charles Stewart, 447, 448, 449, 450.

Parsons (Jesuit), 43.

Parties, early, 237; their position in 1841, 357, 358; religious, 83.

Party, Baronial, 239; Church, 239; Conservative, 386, 387, 396; Constitutional, 114; Country, 188, 189, 190, 195, 197, 198, 201, 205; Court, 189, 196; Independent, 147, 148; Irish, 451, 452, 454, 455; Irish Labour, 453, 455; Irish national, 452; Labour, 240, 388, 405, 406, 407;

Moderate, 141. 142, 144; Parliamentary, 141, 145, 147, 151; Young England, 374; Young Ireland, 443, 454; Presbyterian, 157, 150; Protection, 360; Root and Branch, 140; Royalist, 142, 144; Seignorial 239; Tory, 203; Whig, 265.

Party organisation, 386, 387; system, its origin, 242-244.

Patriarcha, Filmer's, 200.

Patriots, 250.

Peel, Sir Robert, 331, 335, 336, 337; and Reforms, 347; his first ministry, 352, 353; invited to form ministry, 356, 357; his second minist. ry, 358, 359; his third ministry, 359; and corn laws, 358, 359; his character, 360.

Peerage Bill, 247.

Peers, temporal, 419; spiritual, 420.

Bottom Pelhams, Broad Administration of, 251, 252.

Penry, 46.

Pensionary Parliament, 177.

People's Charter, 355.

Percival, ministry of, 324.

Perth, articles of, 135

Peterloo Massacre. 327.

Peter's Pence, Act against, 13.

Petition of Right, 106, 132;

its clauses, 124; its importance, 125.

Petition of Rights Act, 431.

Petitioners, 195, 242.

Philip II of Spain, 29, 30, 32,

33, 34, 44.

Phoenix Park murders, 449. Phoenix Society, 444.

Pilgrimage of Grace, 18. Pitt William (The Elder), 250, 251, 272, 281, 286; and American Colonies, 275; and King, 264, 272, 273; and Devonshire ministry, 252; his ministry, 273. Pitt William (the Younger), 279; his character, 279; his first ministry, 288, 289; his second ministry, 323; and ministerial responsibility, 290; and parliamentary reform, 291, 343, 346; and French Revolution, 294; and Ireland, 317, 321, 322. Pius V (Pope), his Bull of Excommunication, 42. Place Acts, 233, 251, 260, 277, 343. Place, Francis, 331, 334. Plan of Campaign, 450. Plot, Babington, 44; Bye, 92; Gunpowder, 93; Main, 92; Popish, 192; Ridolfi, Rye House, 199, 200; Throgmorton, 44. Plural Voting Bill, 392. Pole, cardinal, 30, 31. Poor Law, (1601), 52; (1834), 351, 359. Pope, 34, 35, 42, 43, 114, 296. Popery, 147, 155. Popish plot, 192. Portland, ministry of, 324. Post-nati case, 231. Potwallers, 341. Poyning's Law, 299. Praemunire, 7, 8, 13, 29, 30, 41, 108. Prayer Book, 88; Scottish, 175. Preemption, rights of, abolished, 175,

Prelacy, 147, 155. Prelatists, 163, 165, 166. Prerogative, power of the King. 98, 99; rights, defined and undefined, 117; royal, 109; royalist view of, 117, 118; parliamentary view, 118; legal view, 118; writs, 430. Presbyterians, 45, 46, 87, 150, 159, 160, 164, 166, 170, 173, 175, 176, 177, 242; Scottish, 134, 135, 136. Presbyterian Church, its ecclesiastical organisation, 89, 91; party. Presbyterianism, 88, 149, 150, 15*2*, 153. Presbyters, 89. Presbytery, 91, 92. Press, its censorship lapses, 221; its history, 221, 222. Pride, 70. Pride's purge, 153. Prime minister, 414. Printing, restrictions on, 63. Privy council, 139, 254, 255, 412, 413; its origin, 67-69; under the Tudors, its composition, 70; its powers, 70, administrative 71; its committees, 71; and cabinet, 255, 256; and Charles II, 256; and Poyning's Law, 71; Judicial Committee of, 464; and the Star Chamber, 71, 72, 73; and Temple's scheme, 194, 195, 197. Privy councillors and ordinary councillors, 69. Proclamations, 19, 23; of Charles I, 133. Prohibition, writ of, 430.

Propositions, Newcastle, 149, 152; nineteen, 144.

Protection party, 360.

Protectorate 162-172; its first parliament, 164; its scheme of constitution, 164; its dissolution, 164; its second parliament. 165; its dissolution 166; parliament's opposition to it, 170.

Protestants, 33, 34, 35, 36; their persecution, 44-47; their three groups, 44, 45. Prothero, on Star Chamber, 74.

Ouakers 176 216

Quakers, 176, 216.

Radicalism, new, 331, 33, 374. Radicals, 270, 288, 294.

Raleigh, Sir Walter, 93; execution of, 111.

Rates, Book of, 101.

Recissory Act, 179.

Recognition, act of, 93; of Queen's title, 36.

Recusancy Law, 43, 44.

Recusants, 41, 44, 47.

Redmond John, 452, 454, 455.

Reform Acts, 349, 350, 366, 367, 375, 376, 377, 402, 403, 404, 409

Reform Bills, 347, 348, 366, 375, 376.

Reform movement, 377.

Reformation, its predisposing causes, 8; its social effects, 21; Parliament (1529-1536), 9—16; its composition and character, 10; its measures, 10—16, its work, 16; its first session, 10, second, 11;

Prynne, 139.

Public Health Act, 380.

Pulteney, 250, 251.

Puritan period, new ideas and

reforms, 167-168.

Puritans, 41, 45, 46, 49, 83, 84, 95, 137, 120, 121, 145; persecution of, 88.

Puritanism, 167, 172.

Purveyance, rights of, limited,

139; abolished, 175.

Pym John, 121, 126, 136, 138, 140, 141, 142; impeachment of, 143.

Q

Quo warranto writ, 200.

R

third, 11; fourth, 12; fifth, 12; sixth, 14; seventh, 15, 16; Scottish 89.

Regency Acts, 291-294; arrangements during George III's illness; (1765), 291; (1788), 292; (1810), 293; and Fox, 292; and Pitt, 292; Bills, 273, 324.

Regia, Lex, enactment of, 19; repeal of, 23.

Regulators, 208.

Religious parties under Stuarts, 83.

Repeal Association. 357.

Representation, its character, 368, 369.

Representative system, its defects 340-344; its character, 344, 345.

Republican party, 170.

Republicans, 164. Responsible government, 458. Restoration, its character, 173; Settlement in Scotland, political, 179; religious, 180.

Revenue Settlement (1689), 218

Revolt of the north, 42.

Revolution, bloodless, 211, 212; its character, 220; its results, 220; its important statutes, 221; two, 330, 331; their results, 332.

Richard I, 75.

Richard III, 105, 106.

Richmond, Duke of, 343, 346.

Ridley, 31.

Ridolfi plot, 43.

Right of expulsion of members, 60, 426; to commit members for contempt, 426; to determine election returns and disputes, 59, 425; to originate money bills, 61; to pass money bills, 398; to publish its own proceedings, 423; to punishment of members, 60.

Rights, bill of, 216, 217, 221; petition of, 106, 124, 125,

132,

Riot Act, 246.

Robinson (Goderich), 335, 336, 339.

Rockingham, his first ministry, 273; his second ministry, 277.

Roman Catholics, 87, 92, 93, 120, 121, 134, 165, 174, 176. Romanists, Act against, 40. Rome, breach with, 8.

Root and Branch, Bill, 140, 141; party, 140.

Rosebury Lord, ministry of, 383, 384.

Royal Irish Constabulary, 455.

Royal Marriage Act, 274.

Royal revenue, settlement of, 175; its sources, 33, 54.

Royal Supremacy, its power and character, 38, 39.

Royal Title's Bill, 373.

Royalist party, 142, 144.

Royalists, 173, 175, 242.

Russell, Lord John, 326, 328, 331, 336; and reforms, 347, 348, 350, 353, 356, 357, 359, 369, 370; his first ministry, 260, 361; 362; his second, 366.

Rule of Law and the Liberty of the Citizen, 431, 432.

Rule of the army, opposition to, 159.

Rump, parliament, 154; its three resolutions, 154, 159, 160; its unpopularity, 160; its incompetence, 161; its dissolution, 161; called and expelled, 170.

Rye House plot, 199, 200.

Sandwich Lord, 282.

S

Sacheverell, trial of, 234, 235.
Salisbury Lord, his first ministry, 378; his second ministry, 379; his third ministry, 384; his character, 389.
Sancroft, archbishop, 207.

Sarum, old, 340, 341.
Savoy conference, 176.
Schism Act, 236; repeal of, 247.
Scotch Presbytery, 88.
Scotland and Ireland, their union with England, 160.

Scottish, Parliament, 91, 92, 135, 136; union, dissolution of, 179.

Secretaries of State, 415, 416. Security, Act of, 232.

Seignorial party, 239.

Selden, 117, 124.

Self-defence, 433.

Separatists, 45, 46, 145.

Septennial Act, 246.

Service Book (Scottish), 135.

Settlement, Act of, 225, 226.

Settlement, religious (Elizabeth's), 36; restoration, 173-879; restoration in Scotland, 179, 180; revolution, 213-218; revolution in Scotland, 218, 219; in Ireland, 219.

Seymour Edward, Earl of Hertford, Duke of Somerset,

22.

Shaftesbury, Earl of, 188, 189, 193, 194, 195, 196, 197; estimate of his character and work, 197, 198; case of, 190.

Shelbourne, ministry of, 277, 278.

Shipmoney, its first levy, 130; second, 131; third, 131; fourth, 136; its condemnation, 139.

Sidmouth Lord, 323, 327; his circular, 327, 335.

Sinn Fein, 453. movement, 454-456

Six Acts, 327, 333, 335.

Slaves, emancipation of, 351.

Slave Trade, abolition of, 323.

Smith, Sir Thomas, 67, 117.

Socialism Utopian, 331.

Social Legislation, 41.

Society of the Friends, 346.

Solemn League and Covenant, 147, 148.

Solicitor-general, 415.

Somerset, Edward Seymour, Earl of Hertford, Duke of, 22, 23; his protectorate, 22-25; his measures and policy, 23; his faults and fall 25, his character, 25, 26; his execution, 26.

Somerset, Duke of, 237.

Sophia, Electress of Hanover, 225; her death, 237.

South Africa, Union of, 459.

South Sea Act, 248.

South Sea Bubble, 247, 348.

Sovereignty of Parliament, 410.

Spa Fields Riot. 326.

Spanish Marriage, 93, 113, 115

Speaker, 423.

Sports, Book of, 133.

Stamp Act, 273, 274. 275.

Stanhope, ministry of, 247. Star Chamber, court of, 4, 71; its origin, 72.75; its work, 75, 88, 103, 129, 130, 133, 139; its arbitrary acts, 110; its illegal trials, 110; its ordinance about the censorship of the press, 63; and Privy Council compared, 71, 72, 73.

Stationer's company, 63.

Statute, for the security of the subjects under a defacto King (1495), 4; of Appeals, First (1533), 12; Second (1534) 13; of Apprentices (1563), 52: of Artificers, (1563), 52; of Drogheda (1494), 299; of Fines of (1489), 4, of Kilkenny (1367), 298; of Merton (1236), 26; of

Treasons, 4, 14, 26, 36, 43, 80, 82, 221, 223; of Uses, (1523), 10; of Westminister (1931), 410, 462, 463; of Wills (1532), 10; of Winchester (1285), 75, 76.

Stephen James, 444.

Strafford, Earl of, 136-138.

Strickland, 45; his Bill, 50, 61.

Strode's case, Act in, 6, 7, S3.

Stuart Period, 83-244.

Stubbs on Henry VIII, 21.

Submission of clergy, 11, 12, 13

Subsidies, 116.

Succession, Acts, 14, 16, 19; tampering with, 236.

Suffolk, Henry Grey, Marquis. of Dorset, Duke of, 29.

Suffrage, association for complete, 358.

Suffragette movement. 402, 403.

Sunderland, Earl of, 230, 234; Junto of, 224, 242, 258, 259.

Supremacy Acts, 14, 29, 36, 37, 47, 48, 49.

Suspending power, 208, 209.

Swift's Drapier Letters, 310.

T

Tamworth manifesto, 352, 360. Tariff Reform League, 390, 391. Temple, Sir William, his plan of Privy Council reform, 194, 195, 257. Tenths, 116. Test Act, 184, 336, 339. Thomas, Duke of Norfolk; his conspiracy, 42. Thorough, policy of, 127, 128. Throgmorton's plot. 44. Tithe Commutation Act, 443. Titus Oates, 204; and Popish Plot, 192. Toleration Act, 216, 221. Tone wolf, 318, 319. Tonnage and Poundage, Act, 139; granted for life, 5, 6, 29, 37, 96, 98, 175; for one year, 121; its unlawful levy, 123, 125, 126. Tooke Horne, 286, 288, 294. Tories, 196, 202, 210, 211, 241, 242; extreme, 213, 219, 241, 336, 338, moderate, 213, 228; their position in

1760, 270, their schism, 336; and reform, 347. Tory democracy, 375, 379, party 203; plots, 223; policy, 228 Toryism, new and old, 331, 336. Townshend, ministry of, 246. Trade Union Acts, 370, 399, 408. Trade Unionism, 331. Trades Disputes Act, 391. Treasons Acts and laws 4, 14, 36, 43, 80, 81, 82, 221. Treasury-Board, 415. Treaty, of Berwick, 135, 136; (Secret) of Dover, 183; of Edinburgh, 90; of Kilmainham, 449; of Limerick, 308; of Newport, 153; of Ripon, 137; of Ryswick, 224. Trevelyan and reforms, 377. Triennial Acts, 139, 179, 211. Triers, 165. Tudor monarchy, 2, 64, 65. Tudor period, 1-82; characteristics, 1, 2; its two currents, 3. Tyndal's Bible, 10, 19.

U

Udal, 46.
Ulster Revolt, 451, 452.
Undertakers, 105, 310, 312.
Unemployment Insurance Act, 405, 408.
Uniformity Acts, 24, 27, 29, 37, 38, 48, 49, 178.
Unionists, split amongst, 390.
Union, with Ireland, 160, 442; agitation for its repeal, 443;

with Scotland, 160, 230, 231; causes of, 231, provisions of, 232; results of, 233; Cromwell's measures for, 160. Universities regulated, 15, 16. Usher Bishop, his model of church government, 176. Uxbridge Propositions, 147, 149.

V

Valentine, 126, 127.
Vane, 141; accused of treason, 177.
Venetian Oligarchy, 269.
Vernon Justice, on King's Prerogative, 132.
Versailles, peace of, 278.
Vestiarian Controversy, 45.

Victoria Queen, her reign, 354-388; and Bedchamber Question, 356; and Palmerston, 361, 362; and Prince Consort, 365; and Gladstone, 372 and Disraeli, 373; her character and work, 385.

W

Wales, union with England, 16.
Walpole, Robert, 234; his ministry, 248—251.
War Cabinet, 400, 401.
War Committee, 400.
Warwick, Earl of, 23, 25, 26.
Wellington, Duke of, 336; his ministry, 336, 337; his resignation, 338, and reforms, 347, 348.
Welsh Disestablishment, 399,

Welsh Disestablishment, 399, 401.
Wentworth Peter, 50, 51.
Wentworth Thomas, Earl of Strafford, 121, 124, 126, 127; his career and views, 127, 128, 129; his measures in Ireland, 134; his Irish army,

137, his impeachment, 138; his attainder, 138; his execution, 138.

Westmoreland, Earl of, 42. Weymonth Lord, 285. Whiggism new, 331.

Whig Party, 265, its policy, 228; its work, 265.

Whigs, 195, 202, 210, 214, 240, 242; their fall. 235; their divisions and differencess, 269, 270; their position and strength, 269; their split, 249; and Radicals, 350, 351.

Whitgift, Archbishop, 46, 49; his strong policy against Puritans, 46, his Articles, 48; and Press, 63.

Wilkes John, case of, 280; versus Wood, 280, 281; and the House of Commons, 281; and the House of Lords, 282; his first expulsion, 282; his first election, 284; his second expulsion, 284; his second election, 285; his third election, 286; his fourth election, 286; his fifth election, 286; and freedom of reporting, 287; results of his struggle, 288; and parliamentary reforms, 346.

William de la Pole, impeach-

ment of. 69.

William III, his reign, 213-226.

William IV, his reign, 338-354; his character, 338.

William of Orange, invitation to, 210, his declaration, 211; his landing, 211; his acceptance of the crown, 215.

Windebank, Secretary of State, impeachment of, 138, 139.

Wolff, Sir Henry Drummond, 375.

Wolsey, Cardinal, 8; his fall, 9; his scheme of church reforms, 15.

Women's Freedom League, 402.

Women and local bodies. 404.

Wood's Half pence, 310.

Wood's Patent, 248.

Worcester, battle of (1651), 160.

Workmen's Compensation Act, 384, 391.

Writ, of a certiorari, 430; of Habeas Corpus, 139, 430, 433, 434; of Mandamus, 430; of Prohibition, 430; of Quo warranto, 200.

Written Constitution, 163, Wyatt, Sir Thomas, rising of,

29, 30.

Wyndham's Land Purchase Act, 452.

Y

Yelverton, 50. Young England Party, 374.

Young Ireland, Party, 443, 444; movement, 452.

Z

Zinoviev's letter, 407.

## ERRATA.

```
7, line 1, insert 'had' in place of 'has'.
Page
               16, " 'of' after 'translation'.
 11
       24, " 1, " 'the age of' after 'reaching'.
 ,,
       34, " 9, " 'a' after 'was'.
,,
      36, " 14, " 'for' after 'enthusiasm'.
 *,
      37, ,, 22, ,,
                       'later' after 'consisted'.
 "
      40, ,,
             6, change 'state' into 'church'.
 "
      42, ,,
               4, add 's' after 'patent'.
 ,,
      45, "
              5, drop 's' of 'Governments'.
,,
               12, read 'Brownist's instead of 'Borownists'.
"
       ,,
      47, "
             9, read 'Puritans' instead of 'Paritans'.
,,
      52, " 35, add 's' after 'town'.
"
      62, ,,
              33, read 'per' instead of, 'her'.
      66, ,,
              25, insert 'the' after 'and', and read 'Common-
,,
                   wealth' instead of 'Commonwealth'.
      76, ,,
              11, read 'county' instead of 'country'.
,,
      90, "
              27, add 'h' after 'Edinburgh'.
.,
     102, "
             4, insert inverted commas before 'the'.
,,
     104, ,,
             4, read 'patents' instead of 'patients'.
,,
     109,
              13, insert 'to' after 'letters'.
,,
     161, ,,
              24, insert a comma and drop 'the' after
,,
                   'parliament'.
     171, " 27, read 'Commonwealth' instead of 'Comm-
,,
                   wealth'.
               9, read 'do' instead of 'so'.
     176, ,,
              29, read 'diocesan' instead of 'dioceson'.
,,
     203, " 17, add 's' after 'Council'.
"
    222, ,, 30, read 'English' instead of 'German'.
,,
    245, " 2, insert 'the' before 'Hanoverian Period (1714-
,,
                   1760)'.
               5, read 'The' instead of 'A'.
,,
    352, ,, 25, read 'Peel' instead of 'Pitt'.
,,
    364, Marginal note, add 's' after 'Lord'.
19
    379, line 34, insert 'of 1887' after 'Act'.
,,
    391, " 4, read 'Goschen' instead of 'Gosehen'.
,,
    393, ,, 30, read 'Planning' instead of 'Plannie'.
"
    452, ,, 12, read 'Wyndham's' instead of 'Windam's'.
```